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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Corn Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of corn. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.

- 421.1301 Purpose.
- 421.1302 Availability of price support.
- 421.1303 Eligibility requirements.
- 421.1304 Eligible corn.
- 421.1305 Determination of quality.
- 421.1306 Determination of quantity.
- 421.1307 Warehouse receipts.
- 421.1308 Warehouse charges.
- 421.1309 Maturity of loans.
- 421.1310 Inspection of corn under purchase agreements.
- 421.1311 Settlement.
- 421.1312 Support rates.

AUTHORITY: §§ 421.1301 to 421.1312 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.1301 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Corn Price Support Program.

§ 421.1302 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible corn wherever corn is grown in the United States. Farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from

the time of harvest through May 31, 1963: *Provided*, That in areas where it is determined by the State committee that producers may not be or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined by the State committee. The State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability for loans and purchase agreements in the area.

§ 421.1303 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest must be in the eligible producer tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a former producer whom he succeeded before the corn was harvested. Any producer who is in doubt as to whether his interest in the corn complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1304 Eligible corn.

The corn must meet all of the applicable requirements of this section in addition to other applicable provisions of the program in order to be eligible for a loan, delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The corn must have been produced in the United States in 1962 by an eligible producer.

(b) *Shelling requirements.* The corn must be ear or shelled corn: *Provided*, That the corn must be shelled before placed under a warehouse-storage loan or before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or

after delivery shall be for the account of the producer. A producer who obtains a farm-storage loan on ear corn must obtain prior written approval from the ASC county committee if he elects to shell the corn and keep it under loan in storage on the farm.

(c) *Grade requirements.* (1) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better and must meet the following additional requirements:

(i) For ear corn placed under a farm-storage loan, the moisture content must not exceed 21.0 percent if the corn is tested for loan from time of harvest through February 1963; 19.5 percent if tested for loan during March 1963; 18.0 percent if tested for loan during April 1963; and 16.0 percent if tested for loan during May 1963.

(ii) For shelled corn placed under a farm-storage loan, the moisture content must not exceed 14.0 percent irrespective of when the corn is tested for loan.

(iii) Corn placed under loan must not grade "Weevily."

(2) Corn delivered to CCC under a purchase agreement must meet the following additional requirements:

(i) Corn delivered to CCC from other than approved warehouse storage must grade No. 5 or better, except that such corn may bear the special grade "Weevily" in addition to the numerical grade.

(ii) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 14.0 percent moisture, except as provided in paragraph (d) of this section, and must not grade "Weevily."

(d) *Corn containing in excess of 14 percent moisture in approved warehouse storage.* Corn shall not be eligible for a warehouse-storage loan or delivery from approved warehouse storage under a purchase agreement if it contains in excess of 14.0 percent moisture, except that corn represented by warehouse receipts which indicate that the corn is ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 14.0 percent moisture or less of an eligible grade and quality which meets the requirements of § 421.1304 will be delivered. The certification shall be substantially as follows:

CERTIFICATION

On corn containing in excess of 14.0 percent moisture, delivery will be made of corn which grades No. ----- which contains not in excess of 14.0 percent moisture, which is otherwise of the same quality or better as the corn described on warehouse receipt

No. -----, and which is the actual quantity obtained after drying the corn described in such receipt to not in excess of 14.0 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(e) *Poisonous substances.* The corn must not contain mercurial compounds or other substances poisonous to man or animals.

(f) *Waiting period.* If offered as security for a farm-storage loan, shelled corn must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(g) *Deliveries under farm-storage loans.* Only corn covered by the loan documents is eligible for delivery under farm-storage loans.

§ 421.1305 Determination of quality.

The grade, class grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for corn, whether or not such determinations are made on the basis of an official inspection.

§ 421.1306 Determination of quantity.

(a) *In warehouse.* The quantity of corn on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight of the corn represented by the warehouse receipt or on the supplemental certificate, if applicable. If the warehouseman has made the certification provided in § 421.1304(d), such quantity shall be the net weight obtained after drying the corn to not in excess of 14.0 percent moisture.

(b) *On farm.* The quantity of corn placed under farm-storage loan may be determined by weight or by measurement. The quantity of corn delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(c) *Quantity determined by measurement (ear corn).* When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 16.0 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 16.0 percent in accordance with the following schedule:

Moisture content (percent):	Adjustment factor (percent)
16.1 to 17.0 both inclusive-----	98
17.1 to 18.0 both inclusive-----	96
18.1 to 19.0 both inclusive-----	94
19.1 to 20.0 both inclusive-----	92
20.1 to 21.0 both inclusive-----	90
Above 21.0—no loan	

(d) *Quantity determined by measurement (shelled corn).* When the quantity of shelled corn is determined by measurement, a bushel shall be 1.25 cubic feet of shelled corn testing 56 pounds per bushel. The quantity determined by measurement of shelled corn

having a test weight of other than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For shelled corn testing (pounds per bushel):	Percent
60 or over-----	107
59 or over, less than 60-----	105
58 or over, less than 59-----	104
57 or over, less than 58-----	102
56 or over, less than 57-----	100
55 or over, less than 56-----	98
54 or over, less than 55-----	96
53 or over, less than 54-----	95
52 or over, less than 53-----	93
51 or over, less than 52-----	91
50 or over, less than 51-----	89
49 or over, less than 50-----	88

(e) *Quantity determined by weight.* When the quantity is determined by weight, a bushel of shelled corn shall be 56 pounds. In determining the quantity of sacked corn by weight, a deduction of three-fourths of a pound for each sack will be made.

(f) *Safety margin.* A safety factor as established by the State committee shall be deducted from the quantity as determined by measurement in the case of farm-stored loans.

§ 421.1307 Warehouse receipts.

Warehouse receipts representing corn in approved warehouse storage, to be placed under a warehouse-storage loan; to be delivered in satisfaction of a farm-storage loan or; to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse approved by CCC for price support purposes for which a Uniform Grain Storage Agreement is in effect or which is operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the port of New York Authority.

(b) *Entries for weight and grade.* (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight and net bushels, (ii) class, (iii) grade, (iv) test weight, (v) moisture, (vi) broken corn and foreign material, and (vii) any other grading factor(s) when such factor(s) and not test weight or moisture determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of corn.

(d) *Where warehouseman has furnished statement.* If the warehouseman has furnished a statement as pro-

vided in § 421.1304(d), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the corn to be delivered. Where the grade, grading factors and the quantity of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence.

(e) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1308(a).

(f) *Where warehouseman is also owner.* If the receipt is issued for corn of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own corn is not valid under State law and the warehouseman elects to deliver corn to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing corn stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the corn is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing corn to be placed under loan shall indicate that the corn is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1308 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage. Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is holder of the warehouse receipts.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from amount of the loan or purchase price in the case of corn stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be

based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on corn stored in warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

Schedule of Deductions for Storage Charges for States Having a Maturity Date Not Later Than July 31, 1963

Date storage charges start (all dates inclusive):	Amount of deduction (cents per bushel)
Prior to Sept. 25, 1962-----	12
Sept. 25-Oct. 21, 1962-----	11
Oct. 22-Nov. 17, 1962-----	10
Nov. 18-Dec. 14, 1962-----	9
Dec. 15, 1962-Jan. 10, 1963-----	8
Jan. 11-Feb. 6, 1963-----	7
Feb. 7-Mar. 5, 1963-----	6
Mar. 6-Apr. 1, 1963-----	5
Apr. 2-Apr. 28, 1963-----	4
Apr. 29-May 25, 1963-----	3
May 26-June 21, 1963-----	2
June 22-July 31, 1963-----	1

(c) *Deduction of storage charges—Eastern common carriers.* In the case of corn stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1309 Maturity of loans.

(a) *Regular maturity date.* Loans mature on demand but not later than July 31, 1963.

(b) *Where producers may not be in a position to store corn safely.* In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.1302(c) the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1963. CCC will accept deliveries of

corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(c) *Where producers are not in a position to store corn safely.* If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set forth in § 421.1302(c), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans; except that for individual cases and upon the approval by the State committee a producer may be permitted to keep his corn in farm storage until the regular loan maturity date provided (1) such corn is shelled, and (2) the producer has satisfactory storage facilities and is adequately equipped to properly care for the corn. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1963.

§ 421.1310 Inspection of corn under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his corn stored in other than approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the corn prior to delivery of the corn. The primary importance of this inspection is to discuss with the producer the condition of his corn and the method for making settlement for corn delivered. This predelivery inspection shall not be used for settlement. If the corn, on the basis of predelivery inspection, is determined to be eligible for delivery to CCC in accordance with § 421.1304 or if the corn appears to be ineligible for delivery and the producer insists upon making delivery, the county office shall issue delivery instructions. The producer must then complete delivery within the period specified in the delivery instructions, unless the county office determines that more time is needed for delivery. A predelivery inspection shall not be made on corn in warehouses not approved for storage which is stored commingled or which is stored so that the identity of the producer's corn is maintained but a predelivery inspection is not possible.

(b) *Inspection of corn stored by producer, after maturity date.* The producer may be required, without any cost to CCC, to retain corn under purchase agreement which is stored in other than approved warehouse storage for a period of 60 days after the loan maturity date. CCC will not assume any loss in quantity or quality of the corn covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for corn which was determined to be of an eligible

grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the corn is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the corn is going out of condition or is in danger of going out of condition and that the corn cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.1311 Settlement.

(a) *General.* Settlement for corn acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible corn shall be determined under the applicable provisions of § 421.1312 and this section. Payments for corn acquired under a purchase agreement will be made by the county office through the issuance of a sight draft drawn on CCC. The producer shall indicate on Commodity Purchase Form 4 to whom payment shall be made.

(1) *Warehouse-storage.* Settlement for eligible corn acquired by CCC under warehouse-storage loans or purchase agreements and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipts or accompanying documents, as applicable. In the case of eligible corn under purchase agreement stored in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of the corn he elects to sell to CCC.

(2) *Farm-storage loans and purchase agreements.* Delivery of corn under farm-storage loans and of corn under purchase agreements from other than approved warehouse storage shall be made in accordance with instructions issued by the county office. Settlement will be based on the quality and quantity as indicated on Form CCC Grain-50 or if applicable, on the quality and quantity as shown on warehouse receipts and accompanying documents issued by an approved warehouse.

(b) *Settlement rate to be established.* In the case of corn under a farm-stored loan and corn under a purchase agreement which upon delivery is of a grade or quality for which no support rate has

been established, the settlement rate shall be the applicable basic support rate adjusted by the premiums and discounts as shown in § 421.1312 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS Commodity Office for the quality by which the corn is lower than the quality for which such price support discounts are established: *Provided, however,* That if such corn is sold by CCC for the purpose of determining its market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, the settlement rate shall not in any event be more than the rate which would have been established under § 421.1312 by using the price support premiums and discounts in such section to the extent they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support corn to a point a greater distance than to his customary delivery point, he shall be allowed compensation (as determined by the ASC State Committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the eligible corn the additional distance. The ASC State Committee may, in determining the rates of payment for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the corn.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible corn delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of corn stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain corn under loan or purchase agreement which is stored in other than an approved warehouse for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery within the 60 day period after maturity, the producer shall be paid a storage payment upon delivery of the corn to CCC: *Provided, however,* That a storage payment shall be paid a producer whose corn under purchase agreement is stored in other than an approved warehouse only if he had properly given notice of his intention to sell the corn to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the storage rate for corn provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored corn is delivered to CCC prior to the maturity date, a deduction for storage shall be made, except that no deductions shall be made if such early delivery is made because a

loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the corn will be sold rather than stored, or if CCC requires early delivery on an area basis. No deduction for storage shall be made where an earlier delivery date is established by the State committee in accordance with § 421.1309(c). Where applicable, the deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1308.

(g) *Refund or prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on eligible corn under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the corn, to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on eligible corn under loan or purchase agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and CCC has not previously given the producer credit for such charges as provided in § 421.1308.

(h) *Ineligible corn inadvertently accepted by CCC.* (1) In the following cases of ineligible corn inadvertently accepted by CCC, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate:

(i) Corn delivered in excess of the maximum quantity stated in the purchase agreement;

(ii) Corn in other than approved warehouse storage which, at the time of delivery, does not meet the eligibility requirements of § 421.1304;

(iii) Corn which is delivered to or acquired by CCC under loan or purchase agreement, and which has resulted or which otherwise would result in a producer receiving price support on a quantity of corn in excess of the total quantity on which price support may be received; and

(iv) Any other ineligible corn delivered to or acquired by CCC under a loan or purchase agreement.

(2) If CCC sells the corn for the purpose of determining its market price the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible corn covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under a loan shall render the

producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the corn, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made such fraudulent representation, the value of the corn acquired by the Corporation under the loan shall be the market value, as determined by the Corporation, on the date of delivery or removal in the case of farm-storage loans or the market value of the corn as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans, the sales price if the corn is sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes, for any loss which CCC sustains upon the corn delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the corn delivered under the purchase agreement plus all costs sustained by CCC in connection with the corn, together with interest at a rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC, of the corn as of the close of the market on the date of delivery, or the sales price if the corn is sold in order to determine its market value.

(j) *Poisonous substances.* If corn is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except, that CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery.

§ 421.1312 Support rates.

(a) *Applicable basic support rate.* The support rate for the quality of corn placed under a loan, or acquired under a loan or a purchase agreement shall be the applicable basic support rate established for the county in which the corn was produced, adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1311. Basic county support rates per bushel for corn grading No. 3 except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better except for moisture, will

be a part of this section to be issued at a later date.

(b) **Premiums and discounts—(1) Farm storage.** In the case of eligible corn under farm storage loan or delivered from farm storage under purchase agreement the applicable premiums and discounts shown in the schedule in subparagraph (4) of this paragraph shall be applied to the basic rate at the time of settlement, except in the case of loans the discount for corn grading "Mixed", and the discount for "Weed control laws", if applicable shall also be applied to the basic rate at the time the loan is completed.

(2) **Warehouse storage.** In the case of warehouse-storage loans the applicable premiums and discounts shown in the schedule in subparagraph (4) of this paragraph, shall be applied to the basic support rate at the time the loan is completed. In the case of corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shown in subparagraph (4) of this paragraph, shall be applied to the basic support rate at the time of settlement.

(3) **Weed control laws.** Where the State committee determines that State, district, or county weed control laws, as administered, affect the corn crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the corn complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the corn is stored determines that State, district or county weed control laws, as administered, affect corn stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the corn complies with the weed control laws, and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(4) Schedule of premiums and discounts.

	Cents per bushel
(i) Premiums:	
Grade No. 2 or better.....	+1
Broken corn and foreign material (percent) 2.0 or less....	+1
Moisture content (percent) 14.0 or less.....	+1
(ii) Discounts:	
Weevily	-2
Mixed	-2
Weed control laws (see (3) above)	-10

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 21, 1962.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-8544; Filed, Aug. 23, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.146]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms, 1963 Crop

The following determination is issued pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended and as further amended by Public Law 87-535.

§ 850.146 Proportionate shares for the 1963 crop of sugarbeets not required.

It is hereby determined that proportionate shares will not be in effect in the Domestic Beet Sugar Area for the 1963 crop of sugarbeets.

This determination has been made on the basis of the considerations discussed under the following statement.

Statement of bases and considerations. Under the provisions of the Sugar Act, as recently amended by the Congress, sugarbeet proportionate shares are required only when the Secretary determines that the production of sugar from any crop will be greater than the quantity needed to enable the area to meet the quota and provide a normal carryover inventory for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

The effective inventory of beet sugar on January 1 of this year was about 1,825,000 tons, or almost 200,000 tons smaller than a year earlier. The quantity of old crop sugar plus early new crop sugar on hand on September 30, just before the start of the heavy harvesting period, is not expected to exceed a mini-

mal working level of 200,000 tons. A similar depletion of beet sugar inventories during this season has occurred in most of the last several years. As a result, the area customarily has had to curtail marketings somewhat in the first three quarters of the year and to press supplies on the market during the last quarter.

The latest estimates of sugarbeet production by the Department's Crop Reporting Board suggests that sugar production from the 1962 crop of sugarbeets will approximate the present quota of 2,650,000 tons. Because of short supplies during the first three quarters of this year, the area may not completely market its quota for the year. To the extent of any such short fall, the effective inventory at the beginning of next year will be higher than it was on January 1. Any such small increase, however, would fall far short of raising the inventory to a desirable level in view of the likely marketing opportunities in 1963.

Production from an unrestricted 1963 crop from acreages somewhat above the presently estimated 1962-crop acreages, even with yields considerably higher than the average for the last three crops, would not result in a quantity of beet sugar greater than that needed to enable the area to meet its quota and provide a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153, Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Supp. 1131, 1132, Pub. Law 87-535 approved July 13, 1962)

Effective date: Date of publication.

Signed at Washington, D.C., on August 20, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-8540; Filed, Aug. 23, 1962; 8:52 a.m.]

[Sugar Determination 855.10]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1963 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended and as further amended by Public Law 87-535 (hereinafter referred to as "act"), the following determination is hereby issued.

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1963 crop.

(a) **Definitions.** For the purpose of this section, the terms:

(1) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or

to whom authority may hereafter be delegated, to act in his stead.

(2) "Deputy Administrator" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(3) "Director" means the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(4) "State Committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(5) "County Committee" means the persons elected within a county as the County Committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(6) "Producer" shall have the meaning set forth in section 101(k) of the act.

(7) "New producer" means the operator of a farm for which a 1963-crop proportionate share may not be established pursuant to the provisions of paragraph (b) of this section.

(8) "Operator" means the producer who controls and directs the sugarcane operations on the farm, who bears all or the major portion of the risk of financial loss or the opportunity for financial gain resulting from such operations and who has the authority to make the final decisions with respect to growing, harvesting and marketing the sugarcane crop.

(9) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(10) "Accredited acreage" or "accredited acres" means the area on the farm for any crop year on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar, or which was harvested for seed or was determined by a member of the County Committee to have been bona fide abandoned acreage (hereinafter referred to as "abandoned acreage") to the extent of fulfilling at least the requirements for abandonment payments set forth in paragraph (c) (1) (i) and (ii) of § 845.2 of this chapter, as shown by the office records of the County Committee.

(b) *Farm proportionate shares.* A 1963-crop farm proportionate share shall be established by the County Committee for each farm, as constituted for the 1962 crop at the time the 1963 crop proportionate share is established, on which there was accredited acreage in either of the crop years 1960 or 1961, or on which the County Committee determines that 1962-crop sugarcane is being grown for the extraction of sugar or liquid sugar or for harvesting for seed or has been classified as abandoned acreage. Such farm proportionate share shall be the larger of 105 percent of the average accredited acreage on the farm for the crop years 1960 through 1962, or the 1962 acreage as determined by the County Committee from the best information available at the time the farm propor-

tionate share is established. For the purpose of establishing farm proportionate shares, consideration of 1962-crop acreage shall be limited to the acreage of sugarcane determined by the County Committee to have been planted prior to April 16, 1962.

(c) *Redetermination of farm proportionate shares.* For the purpose of this paragraph, the division or combination of a farm or farms and the reconstitution of a farm or farms referred to in this paragraph shall be those which give effect to the definition of a farm set forth in Part 822 of this chapter. Farm proportionate shares shall be redetermined under the following circumstances.

(1) *Use of incorrect 1962-crop data.* Any necessary redetermination of the farm proportionate share after the County Committee has determined the 1962-crop acreage of sugarcane for a farm and prior to the beginning of harvest of the 1963 crop, on account of the use of estimated or incorrect 1962 acreage data in the original establishment of the farm proportionate share, shall be made in accordance with paragraph (b) of this section using actual 1962-crop accredited acreage. The original share shall be cancelled.

(2) *Improper constitution of a farm.* If at any time after the County Committee has established the proportionate share for a farm, it is determined by the Committee that such farm was not properly constituted for the 1963 sugarcane crop pursuant to the definition of a farm set forth in Part 822 of this chapter, the share shall be cancelled and the farm shall be reconstituted in accordance with such definition. A farm proportionate share shall be established for each reconstituted farm for purposes of the 1963 sugarcane crop program in accordance with paragraph (b) of this section, if permitted under the provisions of such paragraph, on the basis of the accredited acreage which is credited to the newly constituted farm or farms in accordance with the following subparagraph (3) of this paragraph, except that a proportionate share for a reconstituted farm which is a new-producer farm shall be established as provided in paragraph (e) of this section, if permitted under the provisions of such paragraph. Proportionate shares established for reconstituted farms shall be subject to adjustment as provided in paragraph (d) of this section, within the acreage, if any, used for adjustments in the proportionate share(s) for the farm or farms prior to reconstitution.

(3) *Credit for sugarcane acreage.* The subdivisions of any farm which is subdivided shall be credited with the accredited sugarcane acreage record of the crop years 1960 through 1962 of such farm by apportioning such record among the subdivisions on the basis of the cropland suitable for the production of sugarcane in such subdivisions. However, if the County Committee determines that the use of the cropland relationship is materially inconsistent with the accredited acreage of sugarcane grown on any subdivision during the crop years 1960 through 1962 or is not representative of the sugarcane acreage growing or grown

on any subdivision in the 1963 crop year, or if all persons concerned in the subdivision file a written request with the County Committee which is approved by the Committee, such subdivisions shall be credited with a pro rata share of the 1960-62 accredited acreage record of the farm determined either on the basis of the total accredited acreage of sugarcane on each subdivision during the crop years 1960 through 1962, or on the basis of the acreage of the 1963 sugarcane crop growing or grown and harvested on each subdivision. A reconstituted farm consisting of any combination of farms, subdivisions of farms, or combination of farms and subdivisions of farms shall be credited with the total of the accredited acreage records determined for the crop years 1960 through 1962 for the constituent parts of the farm.

(d) *Adjustments in proportionate shares.* Adjustments in proportionate shares may be made in the following circumstances and within the limitations provided.

(1) For the purpose of making adjustments in proportionate shares, a maximum of 825 acres is hereby established for the State of Louisiana, and a maximum of 350 acres is established for the State of Florida. Whenever the County Committee determines that the proportionate share established for a farm as provided in paragraph (b) of this section is not reasonably comparable to the proportionate shares for other farms in the county, considering the availability and suitability of land, adequacy of drainage, availability of production facilities, and the production experience of the operator, the County Committee shall forward to the appropriate State Committee the factual information upon which the share was determined, together with its recommendations as to the level of a suitable adjustment. The State Committee shall review the information submitted and the County Committee's recommendation, approve such adjustment in the proportionate share as is determined necessary to establish a proportionate share for the farm which is reasonably comparable considering the foregoing factors and return the case to the County Committee with directions to adjust the farm proportionate share accordingly.

(2) To offset estimated proportionate share acreages which will be unused on farms in Louisiana, a maximum of 10,000 acres is hereby made available for adjustments in shares for farms in the State on that account. Any operator of a farm in Louisiana for which a proportionate share is determined, other than the operator of a farm for which a proportionate share is determined pursuant to paragraph (e) of this section, may file a written request with the County Committee on or before September 7, 1962, for an increase in such share on a form available at the local Agricultural Stabilization and Conservation Service County Office (hereinafter referred to as "county office"). The County Committee shall forward the requests to the State Committee. Within the limitation of the 10,000 acres, plus any acreage remaining unused from acreage made

available to farms in Louisiana pursuant to paragraphs (d)(1) and (e) of this section, the State Committee shall authorize County Committees to increase the proportionate shares for farms with respect to which increases in shares were requested; *Provided*, That if the total of the requested increases exceeds the acreage available for increases within these sources, the total acreage available shall insofar as practicable be prorated by the State Committee to all farms for which additional acreages have been requested on the basis of the proportionate shares determined pursuant to paragraph (b) of this section for such farms.

(3) To offset proportionate share acreages which will be unused on farms in Florida, the State Committee may authorize County Committees to prorate such unused acreages to farms on which acreages are growing in excess of the proportionate shares determined pursuant to paragraph (b) of this section. Such proration shall be made insofar as practicable on the basis of the proportionate shares determined pursuant to such paragraph (b).

(e) *Establishment of proportionate shares for new-producer farms.* For the purpose of establishing proportionate shares for farms to be operated in the 1963-crop season by new producers, 350 acres are hereby made available for Florida and 825 acres are hereby made available for Louisiana. Any eligible farm operator desiring a new-producer proportionate share shall file a written request therefor with the County Committee on or before September 7, 1962, on a form available at the local county office. Each County Committee receiving a request for a new-producer share shall rate the operator, on a form provided by the State Committee as qualified or not qualified by taking into consideration the availability and suitability of land, adequacy of drainage, and the availability of production and marketing facilities. The forms showing the ratings of new producers shall be forwarded by the County Committee to the State Committee. The State Committee shall review such ratings, making such changes in ratings as are appropriate, and shall establish a proportionate share for each new producer who is rated as qualified at a level of 25 acres, or a lesser acreage, if requested or if the available cropland will not support a share of 25 acres. Where the acreage available for new producers in a State is insufficient to establish shares for all farms whose operators are rated as qualified under the aforestated considerations, shares shall be established for those farms whose operators are rated as qualified and who are selected by lot, except that the State Committee may elect to establish shares within the acreage available for those farms whose operators such committee determines are the best-qualified pursuant to the aforestated considerations. If selection is made by lot, each drawing shall be supervised by a representative of the State Committee. Each person requesting a new-producer share who will be included in the drawing shall be given a reasonable advance notice of the drawing and an opportunity to attend. The

names (or corresponding numbers) of all such persons shall be placed in a container in such a manner that they are indistinguishable to the person making the "draws". Before the drawing, the person in charge shall announce whether the selections are to be made on consecutive draws or on some other specific basis. The entire acreage set aside for new producers shall be allotted to qualified new producers, if requested.

(f) *Notification of proportionate shares.* Each operator of a farm for which a proportionate share is established pursuant to this section and each operator of a farm filing a request for a new-producer share shall be notified in writing on behalf of the County Committee of the proportionate share established for his farm (even if "none" in case of a new-producer request) and of his right to appeal under paragraph (k) of this section and each such farm operator shall be notified in writing of any adjustment or change made in the proportionate share as provided in this section.

(g) *Notification of excess sugarcane acreage.* If the County Committee determines that the measured acreage of sugarcane for any farm is in excess of the acreage established as the proportionate share for such farm, written notice of such excess acreage (referred to in this section as "excess acreage") and of the eligibility requirements for payment as set forth in paragraph (i) of this section shall be furnished by mailing such notice to the person who is listed on the county office records as the operator of the farm.

(h) *Erroneous notice of 1963 proportionate share or of excess sugarcane acreage.* The provisions of this paragraph shall not apply in any case where a proportionate share has been established as a result of a reconstitution of a farm in accordance with paragraph (c) of this section. If through error, an operator is officially notified of a 1963 proportionate share for his farm greater than the proportionate share properly established pursuant to this section, or is furnished an incorrect notice of excess sugarcane acreage, or if the measured acreage of sugarcane is in excess of the proportionate share for the farm and a notice thereof is not mailed to the operator, and it is found by the County Committee that such operator, acting solely on the information contained in the erroneous notice or without a notice of excess sugarcane acreage being mailed to him, marketed 1963-crop sugarcane from an acreage in excess of the proportionate share properly established, the operator will be deemed to be in compliance with the farm proportionate share unless he harvested sugarcane for seed or marketed sugarcane for sugar from an acreage in excess of the proportionate share stated in the erroneous notice or unless it is determined by the County Committee that the error in the proportionate share or notice was so gross, or that the excess acreage was so gross as to place the operator on notice regarding the error in the proportionate share or in the existence of the excess acreage. However, the Sugar Act payment with

respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within the properly-established proportionate share. If the proportionate share for any farm was established by the use of incorrect data, resulting in a proportionate share smaller than the share that would have been established by the use of correct data, such share shall be increased by the County Committee to the correct level.

(i) *Eligibility for payment under the act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions:

(1) The total acreage of 1963-crop sugarcane grown on the farm and harvested for seed or marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator of the farm furnishes to the County Committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provision of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the farm proportionate share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the farm proportionate share; *Provided*, That (i) such excess acreage is not more than the larger of two-tenths acre or one percent of the farm proportionate share but not in excess of three acres, (ii) the County Committee finds that the marketings (or processings) of sugarcane from excess acreage were unintended by the operator of the farm and the State Committee concurs in such finding, and (iii) within one year from the date of the processing of such excess sugarcane, the producer has arranged for a quantity of sugar which was produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter and which is equivalent to the quantity of sugar produced from such excess acreage, to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share.

(2) The number of share tenants or sharecroppers engaged in the production

of sugarcane of the 1963 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the County Committee. In considering such approval, the County Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer.

(3) The producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

(4) The requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugarcane marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed if the producer furnishes proof which the County Committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugarcane.

(5) The requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane shall have been met.

(6) If the County Committee determines there is excess acreage of sugarcane on a farm;

(i) Any excess acreage which the operator elects to plowout, abandon, or harvest separately must, except as provided in division (ii) of this subparagraph, be so disposed of before the harvest of sugarcane for sugar or seed or after the harvest of sugarcane for sugar or seed and appropriate notification must be given by the operator to permit verification by a County Committee representative of the action taken.

(ii) Any excess acreage of sugarcane which is disposed of concurrently with acreage within the proportionate share which is being harvested for sugar, liquid sugar or seed must be staked-out or similarly and clearly identified by a representative of the County Committee and the designated excess acreage must be so located on the farm that it may be disposed of without interfering with the harvest of proportionate share acreage and the identity of the sugarcane harvested from excess acreage must be maintained separately after harvest to assure its disposition: *Provided*, That if sugarcane is harvested from excess acreage for the manufacture of sirup concurrently with the harvest of sugarcane for seed and the production of sugar or liquid sugar, other than sugar for livestock feed, and such acreage is not staked-out or identified as provided above in this subdivision (ii), the producer shall not market a quantity of sugarcane for the production of sugar or liquid sugar or seed greater than the total of the tonnages of sugarcane marketed for sugar, liquid sugar, seed and

sirup multiplied by the percentage that the acreage harvested for sugar, liquid sugar and seed on the farm is of the total acreage of all sugarcane marketed.

(iii) An estimate of the average tons of sugarcane per acre growing on excess acreage which has been staked-out or similarly identified and which has been designated for harvest for sirup or sugar for livestock feed must be made jointly and before harvest by a representative of the County Committee and by the operator of the farm, which estimate must be reduced to writing and signed by the operator and placed on record in the county office.

(iv) Any farm operator who markets sugarcane from excess acreage for sirup must furnish to the County Committee weight tickets evidencing that such sugarcane was sold by him or processed by him or for him for such purpose, and in the case where excess acreage is staked-out and an estimate is made as provided in subdivision (iii) of this subparagraph, if the average tonnage of sugarcane per acre grown on such excess acreage, as computed by dividing the total tonnage of sugarcane marketed for sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to subdivision (iii) of this subparagraph, no payment shall be made until the operator furnishes proof acceptable to the County Committee that the sugarcane from all of the excess acreage on the farm was marketed or disposed of other than for seed or the production of sugar or liquid sugar except sugar or liquid sugar for livestock feed.

(v) The operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown on excess acreage in each such case, until receipt of the Sugar Act payment for the 1963 crop of sugarcane.

(j) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1963-crop season shall be made on Form SU-120 by a producer on the farm who must sign and file the form in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than June 30, 1965.

(k) *Determination of eligibility and basis for payment and appeals for review thereof; and appeals for review of proportionate shares.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the County Committee, such determination to be subject to review and approval or redetermination by the State Committee and any determination by the State Committee shall be subject to review and approval or change by the Deputy Administrator or the Secretary. Determinations and corrections by the County Committee and determinations by the State Committee, the Deputy Administrator or the Secretary shall be made and decided in accordance with

the applicable provisions of the act and regulations issued by the Secretary thereunder, and on the facts in the individual case. Within 15 days after a notice of a farm proportionate share, or notice of excess acreage, or a notice of a determination by the County Committee is mailed to or otherwise made available in writing to a producer, he may file an appeal with respect thereto at the local ASCS county office. The appeal shall be addressed to the State Committee and shall be accompanied by a statement of facts constituting the basis for such appeal. The County Committee shall make such adjustments as are required to correct errors and to give effect to the substitution of correct data for incorrect data, and unless such adjustments dispose of all issues raised by the appeal, shall promptly transmit the appeal, together with the recommendations of the County Committee to the State Committee. The appellant or his representative or both shall be afforded the opportunity of appearing in person at the hearing before the State Committee in regard to his appeal, and shall, at a hearing, be advised of the issues and given the opportunity of cross-examination. Each witness at the hearing shall testify under oath or affirmation administered by a State Committeeman. A written record shall be compiled of the written material and information submitted to or considered by the Committee in reaching a decision and of any testimony adduced at the hearing. The appellant shall be notified in writing of the decision of the State Committee. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the notice of the decision is mailed to him, appeal in writing the decision of the State Committee to the Deputy Administrator. The Deputy Administrator shall render a decision upon each appeal to him, except any appeal which the Secretary directs shall be referred to himself, in which case the Secretary shall render the decision. The decision of the Deputy Administrator or of the Secretary shall be made after due consideration of all written material or briefs accompanying the appeal including the written record compiled of any hearing conducted in the course of the appeal, and of any oral argument. The Deputy Administrator or the Secretary may affirm or modify the decision of the State Committee, or remand the case to such committee for purposes of developing additional information or compiling an adequate record on which to reach a decision. The decision of the Deputy Administrator or the Secretary shall be final. The appellant may submit written briefs or arguments or may request a hearing for presentation of oral argument or views at Washington, D.C., and such submission or request may be made concurrently with an appeal to the Deputy Administrator or not later than 15 days after the date acknowledgment of the receipt of an appeal to the Deputy Administrator is mailed to the appellant. A hearing at Washington, D.C., shall be limited to the submission of arguments or views based on the information in the

record of the appeal compiled by the State Committee. If the appellant appealing to the Deputy Administrator timely requests a hearing, the Deputy Administrator, or the Secretary in the case of an appeal referred to him for decision, shall fix the date, time and place of the hearing at Washington, D.C., shall notify the appellant thereof, and shall conduct the hearing. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

(1) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the County Committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Deputy Administrator or the Secretary in reviewing and acting upon any such determination by the County Committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of this title (24 F.R. 4223), as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the County Committee or the State Committee designated respectively by the County Office Manager or by the State Executive Director to be qualified to perform such a duty may obtain such information. If the operator, or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. As a condition for payment to producers, section 301(b) of the act, as modified by section 302(b) (6), provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar or for seed in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the act.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not

in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1) and (6) of section 302(b) provide that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar or used for seed (within proportionate shares when in effect), and the ability to produce such sugarcane.

Section 302(b) (5) provides that in determining farm proportionate shares the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers, and of producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, flood, storm, freeze, disease, insects, or other similar abnormal and uncontrollable conditions.

Pursuant to section 302(b) (6) of the act, it is hereby determined to be necessary for the effective administration of the provisions of subsection (b) of section 302 of the act, that consideration be given to acreage of sugarcane harvested for seed on the farm in addition to past production of sugarcane for the extraction of sugar in determining farm proportionate shares for farms in the Mainland Cane Sugar Area for the 1963 crop of sugarcane.

General. Pursuant to the foregoing provisions of the act, proportionate shares are required in any area for a given crop when the indicated production will be greater than the quantity needed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

No restrictions under the act were applicable to sugarcane acreage in this area during World War II or during the post-war period until 1954. Acreage restrictions were applicable to each of the crops of 1954 through 1959, although such restrictions were modified on March 4, 1959, to permit the harvesting of all 1959-crop acreages of sugarcane then growing. The 1960, 1961 and 1962 crops were unrestricted. In the Department's press release of October 30, 1961, announcing that 1962-crop sugarcane acreages would be unrestricted, it was pointed out that restrictions would probably be necessary for the 1963 crop even if a material increase in the marketing quota for the area were to be provided by new sugar legislation.

Adverse weather conditions resulted in lower than anticipated sugar production from the 1958, 1959, and 1960 crops. This situation, together with the relatively large increases in the annual sugar marketing quotas because of deficits in marketings in Puerto Rico and Hawaii, resulted in the area falling short of meeting its augmented quota for either 1959 or 1960. Unusually favorable production

from the 1961 crop enabled the area to meet the 1961 quota.

Increases in sugarcane plantings for the crops of 1960 and 1961 were moderate, with planted acreages (area harvested for sugar and seed or qualifying as bona fide acreage abandonment) for the latter crop totalling about 361,000 for the area. This compares with approximately 320,000 acres for the 1959 crop. Latest estimates for the 1962 crop indicate that between 465,000 and 466,000 acres are available for harvest for sugar and seed or will qualify as abandonment, with the acreage in Florida being more than doubled from the previous crop year. For the 1960 crop, three sugar mills were operating in that State. Two additional mills began operations effective for the 1961 crop, and six additional mills are intended to begin operating for the 1962 crop, the processing of which begins this fall. Considerable interest exists for further expansion in sugarcane acreages and processing facilities, particularly in Florida. In view of these circumstances, restrictive proportionate shares are deemed necessary to avoid a supply of sugar greater than that needed to meet quota and carryover requirements.

Informal meetings with industry representatives and public hearing. Early this year when the full extent of the expansion in processing facilities and the size of the 1961 crop became known, representatives of the Department met with sugarcane growers of Florida and Louisiana to discuss problems relating to the development of a 1963 acreage program. Because of indications that some producers in Florida intended to continue to plant acreages of sugarcane beyond the normal date for such plantings, and upon receipt of recommendations from grower groups, the Department issued a notice signifying its intent to disregard, for proportionate share history purposes, any plantings after April 15, 1962.

On March 13, 1962, an informal public hearing was held in New Orleans, Louisiana, to obtain the views and recommendations of interested persons on all matters relating to the establishment of proportionate shares. This hearing was attended by about 200 growers from the two States. Since the quota provisions to be applicable after June 30, 1962, were not known at that time, recommendations were requested by the Department on the acreage levels that should be provided for the 1963 program at each of several possible quota levels. Because of the many uncertainties relating to future sugar legislation, especially as to future quota levels, the testimony at the hearing was not conclusive. Therefore, the hearing was recessed.

After the March 13 hearing, representatives of sugarcane growers in Louisiana and Florida met separately and together on several occasions for the purpose of developing joint recommendations to the Department. On June 25 and 26, representatives of growers of these two States met informally with representatives of the Department and made certain recommendations on the 1963 acreage program. Such recommendations pertained par-

ticularly to the level of the acreages regarded as desirable for each State.

On July 16, 1962, the Department announced a continuation of the March 13 hearing for the purpose of receiving additional information and recommendations on the acreage program. The press release announcing the hearing included several suggestions to assure discussion of specific problems. At this hearing, which was held on July 20 at Miami Beach and which was attended by about 75 sugarcane producers, testimony was presented by several persons. The spokesman for the American Sugar Cane League, which is composed of sugarcane producers who produce more than 95 percent of the sugarcane grown in Louisiana and all of the processors of sugarcane for sugar in that State, made several recommendations including the following: (1) That 1963-crop proportionate shares be so established that the resultant acreages of sugarcane for sugar, seed and bona fide abandonment should be as close as administratively possible to the latest estimates of 1962-crop acreages for each of the States of Louisiana and Florida, i.e., 327,000 and 139,000 acres, respectively; (2) that a farm proportionate share be established for each farm having a record of planted acreage (area harvested for sugar, liquid sugar or seed plus acreage classified as bona fide abandonment) during any of the years 1960, 1961 or 1962, provided that acreages planted subsequent to April 15, 1962, would be disregarded; (3) that the proportionate share for each farm would be the larger of the 1962 acreage or 105 percent of such farm's average 1960-62 crop acreage; (4) that a "reserve" of 12,000 acres be established and made available to Louisiana producers who request additional proportionate shares above the levels established pursuant to the formula, thus compensating for historically-proven underplantings of proportionate shares; and (5) that the Department's suggestions with respect to the level of the acreage to be made available for new producers, the size of new producer shares, the acreage to be made available for adjustments in initial shares, and other provisions which were effective during the 1954-59, restrictive period, including the crediting of sugarcane acreage records in cases involving subdivisions or combinations of farms, be adopted.

Spokesmen for Florida growers recommended that the 1963-crop acreage level for the State be determined at 139,000. Most of the suggestions made in the Department's press release of July 16, 1962, were endorsed. One spokesman requested that if the total of the ultimate 1963-crop acreages utilized for sugar and seed plus bona fide abandonment in Louisiana were to exceed the 1962-crop acreages thus utilized, a corresponding increase in the proportionate shares for Florida should be made. Much of the discussion pertaining to Florida related to the possibility that all of the 1962-crop acreages of sugarcane might not qualify as proportionate share history acreage because some sugarcane mills might not be completed in time to grind cane of that crop. Several of those

testifying at the hearing urged that 1962-crop acreage history credit be given to farms on which producers had demonstrated ability by planting sugarcane even though the acreages may not qualify as "planted acreage," as that term has been consistently used under sugarcane acreage programs in past years.

All of those testifying on the subject, unanimously agreed that acreage for the 1963 crop should be at the 1962-crop level. This recommendation was made with the full understanding that yields from the 1962 or 1963 crops above those used in their calculations for the two crops could result in excess carryover stocks and in cut-backs in acreages for subsequent crops.

Determination. This determination provides for establishing a 1963-crop proportionate share for each farm having a record of planted acreage (area harvested for sugar, liquid sugar or seed plus acreage classified as bona fide abandonment) during any year of the "base period", comprising the crop years 1960, 1961 and 1962. In accordance with the Department's notice appearing in the *FEDERAL REGISTER* on March 13, 1962 (27 F.R. 2373), only those acreages planted to sugarcane on or before April 15, 1962, will be considered in establishing proportionate shares. Each farm proportionate share will be established at the larger of 105 percent of the average acreage on the farm for the base period or 100 percent of the 1962 acreage for such farm. Since 1963-crop shares will be established before the actual disposition of 1962-crop acreage is known, data for the latter crop must be estimated. Hence, if it is determined by the ASC County Committee that the actual 1962-crop acreage record for any farm is different than the estimated acreage that was used in establishing the share, the share will be revised. Careful consideration has been given to the recommendation of a part of the Florida industry that 1963-crop proportionate shares which are based upon estimated 1962-crop acreages not be redetermined on the basis of actual 1962-crop sugarcane acreage harvested for sugar or seed or qualified as abandoned acres. As heretofore noted, however, section 302(b) of the act provides that the only consideration which may be given to past production of sugarcane is that marketed or harvested for purposes of extraction of sugar or for seed. It is hoped that operating mills will arrange to process sugarcane made available to them for processing.

For each State, an acreage equivalent to about one-fourth of one percent of the estimated total of the proportionate shares therein is made available for adjustments in the proportionate shares resulting from the formula. Such adjustments are needed in cases such as those wherein the sugarcane acreage record of the land being farmed by a producer is not fully representative of such producer's past production experience.

For each State, an acreage equivalent to about one-fourth of one percent of the estimated total of the proportionate shares therein is made available for

establishing shares for new producers (those having no record of sugarcane production during the base period). Provision is made for the filing of written requests by such persons by an established deadline and the rating of such applicants in accordance with pertinent criteria. Selection of the new producers would be made by lot from among those rated as qualified if requests by such applicants exceed the acreage available, unless the State Committee elects to establish shares for those farms whose operators such committee determines to be the best-qualified by taking into consideration only those factors specifically enumerated in this regulation.

During the prior period (1954-1959) of restrictions, underplantings of proportionate shares in Louisiana averaged about 15,000 acres for each crop. To offset estimated underplantings for the 1963 program in that State, 10,000 acres are made available for increases in shares for those farms, the operators of which file timely written requests for such increases. If the total acreage increases requested exceed the available acreage, the available acreage will, insofar as practicable, be prorated to all farms for which additional acreages have been requested on the basis of the proportionate shares initially established pursuant to the formula. To avoid acreages being unused, requests by farm operators for additional acreages should be strictly limited to those that can be utilized.

In Florida, only negligible proportionate share acreages remained unused during the previous restrictive period. To offset any unused 1963-crop proportionate shares in that State, provision is made for the proration thereof to other farms having acreages growing thereon in excess of those established pursuant to the formula.

The provisions of this determination relating to notification to farm operators of the proportionate shares established for their farms, notification of excess sugarcane acreages, erroneous notices of proportionate shares or of excess acreages, the division of farm history when farms are reconstituted, and other miscellaneous provisions pertaining to eligibility for payment under the Sugar Act are comparable to those in effect in previous years.

The 1963-crop acreages resulting from this determination should provide a quantity of sugar which will enable the Mainland Cane Sugar Area to meet its quota under the act and provide a normal carryover inventory.

The provisions of this determination provide an equitable basis for establishing proportionate shares for farms in the Mainland Cane Sugar Area for the 1963 sugarcane crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Supp. 1131, 1132; Pub. Law 87-535, approved July 13, 1962)

Effective date of publication.

Signed at Washington, D.C., on August 20, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-8541; Filed, Aug. 23, 1962;
8:53 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 32]

PART 1032—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Suburban St. Louis marketing area (7 CFR Part 1032), it is hereby found and determined that:

(a) The following provision of the order, appearing in § 1032.7(b), does not tend to effectuate the declared policy of the Act for the month of August 1962: "any number of days during the months of March through July or to the extent of not more than 10 days' production during any month from August through February".

(b) By notice of proposed rule making issued August 6, 1962 (27 F.R. 7887; F.R. Docket 62-7951), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that suspension of this provision was under consideration and were given opportunity to submit written views, data or arguments with respect thereto. No interested parties submitted views, data or arguments in opposition to proposed suspension.

(c) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will facilitate the orderly disposition of milk during the month of August 1962, a period when unusually heavy supplies of producer milk are expected.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of August 1962.

Effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on August 20, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-8542; Filed, Aug. 23, 1962;
8:53 a.m.]

[Milk Order No. 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the month of August 1962:

1. In § 1067.7(b), the words, "during any of the months of February through July, or to the extent of not more than 10 days' production during any of the months of August through January"; and

2. In the table of § 1067.11(b) opposite the month of August, the following: "25".

(b) By notice of proposed rule making issued August 6, 1962 (27 F.R. 7887; F.R. Doc. 62-7952), by the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, interested parties were advised that suspension of these provisions was under consideration and were given opportunity to submit written views, data or arguments with respect thereto. Suspension of the provision in § 1067.11(b) was supported by all interested parties who submitted views, data or arguments with respect thereto;

(c) Although some opposition was expressed to suspension of the provision of § 1067.7(b) relating to the diversion of producer milk, economic conditions prevailing in the market justify suspension of this provision for the month of August 1962;

(d) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will facilitate the orderly disposition of milk during the month of August 1962, a period when unusually heavy supplies of producer milk are expected.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of August 1962.

Effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on August 20, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-8511; Filed, Aug. 23, 1962;
8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8451]

PART 13—PROHIBITED TRADE PRACTICES

Allenton Mills, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: § 13.1185-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Allenton Mills, Inc. (Allenton, R.I.), et al., Docket 8451, May 24, 1962]

In the Matter of Allenton Mills, Inc., Scots Mills, Inc., Maine Mills, Inc., Corporations, and Benjamin Furman, Fanny Furman, and Max Furman, Individually and as Officers of Said Corporations

Order requiring three affiliated family corporations and their officers to cease violating the Wool Products Labeling Act by such practices as labeling as "All Wool", fabrics which contained 50 percent or 25 percent reprocessed wool, and by failing in other respects to comply with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That respondents, Allenton Mills, Inc., Scots Mills, Inc., Maine Mills, Inc., corporations, and their officers, and Benjamin Furman, Fanny Furman, and Max Furman, individually and as officers of said corporations, their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding of such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag, label

or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8526; Filed, Aug. 23, 1962;
8:50 a.m.]

[Docket C-138]

PART 13—PROHIBITED TRADE PRACTICES

Brown and Loe, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Brown and Loe, Inc., Kansas City, Mo., Docket C-138, May 16, 1962]

In the Matter of Brown and Loe, Inc., a Corporation

Consent order requiring a Kansas City, Mo., wholesale distributor of citrus fruit and produce to cease violating section 2(c) of the Clayton Act by accepting illegal brokerage on its own purchases for resale, such as a commission or discount, usually at the rate of 10 cents per 1½ bushel box, on purchases of citrus fruit from Florida and California packers, or a lower price reflecting such commission.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Brown and Loe, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8527; Filed, Aug. 23, 1962;
8:50 a.m.]

[Docket C-136]

PART 13—PROHIBITED TRADE PRACTICES

California Fruit Exchange

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): Section 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, California Fruit Exchange, Sacramento, Calif., Docket C-136, May 11, 1962]

In the Matter of California Fruit Exchange, a Corporation

Consent order requiring a Sacramento, Calif., packer of fresh fruit to cease granting unlawful commissions or discounts on substantial sales to some of its brokers and direct buyers purchasing for their own account for resale.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent California Fruit Exchange, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of fresh fruit or related products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of fresh fruit or related products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 11, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8528; Filed, Aug. 23, 1962;
8:50 a.m.]

[Docket C-143]

PART 13—PROHIBITED TRADE PRACTICES

Camera Specialty Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.250 *Success, use or standing.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Camera Specialty Company, Inc., et al., Bronxville, N.Y., Docket C-143, May 29, 1962]

In the Matter of Camera Specialty Company, Inc., a Corporation, Doing Business as Exakta Camera Company, and Max Wirgin, and Wolf Wirgin, Individually and as Officers of Said Corporation

Consent order requiring Bronxville, N.Y., distributors to retailers of cameras manufactured in Russian-occupied Germany to cease selling the cameras without conspicuous disclosure on containers of the fact of manufacture in U.S.S.R. territory, and advertising falsely that every major hospital in the U.S. used the camera.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Camera Specialty Company, Inc., a corporation trading and doing business as Exakta Camera Company, and its officers, and Max Wirgin and Wolf Wirgin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of cameras or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing products which are in whole, or in substantial part, manufactured in the U.S.S.R. or in territory occupied by the U.S.S.R. or in countries which are a part of the Soviet Bloc, without clearly and conspicuously disclosing on such products and on any packages or containers in which the said products may be enclosed for display purposes, and in such manner that the words cannot readily be obliterated, that such products are manufactured in whole or in part in the U.S.S.R. or in territory occupied by the U.S.S.R., or in countries which are a part of the Soviet Bloc.

2. Representing directly or indirectly, that all major hospitals use respondents' cameras.

3. Misrepresenting in any manner the number or identity of users of their products.

4. Furnishing or otherwise placing in the hands of retailers or dealers in said

products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8529; Filed, Aug. 23, 1962;
8:50 a.m.]

[Docket C-141]

PART 13—PROHIBITED TRADE PRACTICES

L. R. Oatey Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits*; § 13.30 *Composition of goods*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The L. R. Oatey Company et al., Cleveland, Ohio, Docket C-141, May 24, 1962]

In the Matter of The L. R. Oatey Company, a Corporation, and Robert L. Oatey, and Alan R. Oatey, Individually and as Officers of Said Corporation

Consent order requiring Cleveland, Ohio, distributors to cease representing falsely in price lists, circulars, and otherwise, that certain of their wire solders contained new and special metals and additives which made them more effective than competing products, and that their plastic metal mender "Bond-Tite" was nontoxic and would not cause itching; and requiring them to label containers of the "Bond-Tite" cream hardener and putty with a conspicuous warning of dangers in their use.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The L. R. Oatey Company, a corporation, and its officers and respondents Robert L. Oatey and Alan R. Oatey, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of solders, or a plastic metal mender designated "Bond-Tite", or any other product of similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication, that any of their solders con-

tain a metal or an additive which is new, special or unique or which makes the solder more effective than other solders.

2. Representing, directly or by implication:

(a) That the cream hardener is nontoxic or will not cause itching or skin irritation.

(b) That the plastic metal mender is nontoxic, safe or harmless or will not cause itching or skin irritation.

3. Using a label on the container for the cream hardener which does not set forth in a clear and conspicuous manner the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Using a label on the container for the putty which does not set forth in a clear and conspicuous manner the following statement:

CAUTION: After mixing with cream hardener, avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8530; Filed, Aug. 23, 1962;
8:50 a.m.]

[Docket C-139]

PART 13—PROHIBITED TRADE PRACTICES

Mason Bros. & Tarlin, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mason Bros. & Tarlin, Inc., et al., Boston, Mass., Docket C-139, May 18, 1962]

In the Matter of Mason Bros. & Tarlin, Inc., a Corporation, and Paul Mason, Individually and as an Officer of Said Corporation

Consent order requiring Boston importers to cease violating the Flammable Fabrics Act by selling in commerce leis which were so highly flammable as to be dangerous when worn.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Mason Bros. & Tarlin, Inc., a corporation and its officers, and respondent Paul Mason, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or

through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce, any article of wearing apparel which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8531; Filed, Aug. 23, 1962;
8:51 a.m.]

[Docket C-142]

PART 13—PROHIBITED TRADE PRACTICES

Milfur, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; § 13.15-235 *Producer status of dealer or seller*; § 13.15-235(u) *Tanner*; § 13.70 *Fictitious or misleading guarantees*; § 13.175 *Quality of product or service*; § 13.185 *Refunds, repairs, and replacements*; § 13.225 *Services*. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Milfur, Inc., et al., Milwaukee, Wis., Docket C-142, May 29, 1962]

In the Matter of Milfur, Inc., a Corporation, and Sidney Krasno, Alias W. L. Hudson, and Marion Krasno, Individually and as Officers of Said Corporation

Consent order requiring Milwaukee, Wis., manufacturers of garments, gloves, moccasins, and other leather products to order from hides furnished by hunters and others, to cease representing falsely in magazines of national circulation and in their catalog that they custom-tanned raw hides sent in by customers and made the leather products ordered by the customers from the raw hides so furnished; to cease representing falsely in their catalog and order blank that their leather products and services were of highest quality when actually many were defective, that adjustments would be

¹ New.

[Docket C-140]

PART 13—PROHIBITED TRADE PRACTICES

North American Quilting Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties: § 13.1053-90 Wool Products Labeling Act.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely: § 13.1108-40 Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition: § 13.1185-90 Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements: § 13.1852-80 Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, North American Quilting Corp. et al., Brooklyn, N.Y., Docket C-140, May 18, 1962]

In the Matter of North American Quilting Corp., a Corporation, and Harry Belsky, Leon Diamond, and Mayer Ofman, Individually and as Officers of Said Corporation

Consent order requiring Brooklyn, N.Y., manufacturers to cease violating the Wool Products Labeling and Federal Trade Commission Acts by labeling and invoicing as "80% reused wool, 20% reused unknown fibers", quilted interlining materials which contained substantially less reused wool than so represented; failing to label certain interlining materials with the generic name of the constituent fibers and the percentage thereof, and to comply in other respects with labeling requirements; and furnishing false guaranties that products were not misbranded.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent North American Quilting Corp., a corporation, and its officers, and respondents Harry Belsky, Leon Diamond and Mayer Ofman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Minimizing or rendering obscure or inconspicuous the required information descriptive of the fiber content contained on the labels attached to such wool products.

4. Setting forth the name or designation of fibers not present in wool products on the stamp, tag, label or other mark of identification affixed to such wool products.

5. Furnishing false guaranties that wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondent North American Quilting Corp., a corporation, and its officers, and respondents Harry Belsky, Leon Diamond, and Mayer Ofman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of interlining materials or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 18, 1962.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8533; Filed, Aug. 23, 1962; 8:51 a.m.]

[Docket 7806]

PART 13—PROHIBITED TRADE PRACTICES

Carey Surgical Appliance Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections; § 13.15-250 Qualifications and abilities; § 13.20 Comparative data or merits; § 13.30 Composition of goods; § 13.110 Indorsements, approval and testimonials; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages.* Subpart—Using misleading name—Goods: § 13.2315 *Nature.*

made when they were found unsatisfactory, and that they were unconditionally guaranteed; and to make deliveries within periods specified.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Milfur, Inc., a corporation, and its officers, and Sidney Krasno, alias W. L. Hudson, or any other name, and Marion Krasno, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of leather products or services in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly that respondents tan raw hides.

2. Representing directly or indirectly that they own and operate facilities for tanning raw hides unless and until respondents own and operate or directly and absolutely control the plant wherein said hides are tanned.

3. Representing directly or indirectly that raw hides sent in by customers are custom-tanned or that such hides will be tanned and returned to customers if requested.

4. Representing directly or indirectly that leather products ordered by customers are made from the raw hides furnished by such customers.

5. Representing directly or indirectly that respondents' products or services which are defective in material, workmanship or in other respects are of high quality.

6. Representing directly or indirectly that purchasers will be satisfied with respondents' products or services unless respondents make satisfactory adjustment, voluntarily and promptly when apprised by a purchaser that said products or services are not satisfactory.

7. Representing directly or indirectly that said products or services are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and respondents do in fact fulfill all of their requirements under the terms of the said guarantee.

8. Failing to make deliveries of products or perform services within the period of time specified by respondents.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 29, 1962.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8532; Filed, Aug. 23, 1962; 8:51 a.m.]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, R. C. Myrick (Los Angeles, Calif.) trading as Carey Surgical Appliance Co., etc., et al., Docket 7806, May 24, 1962]

In the Matter of R. C. Myrick, an Individual Trading as Carey Surgical Appliance Co., and Allied Surgical Appliance Co., and Dorothy M. Myrick, an Individual

Order requiring an individual with offices in Los Angeles and San Francisco, Calif., engaged in selling hernia trusses both in his offices and on the road, to cease making a variety of false claims for his said devices in advertising in newspapers, as in the order below more specifically set forth.

The order to cease and desist is as follows:

It is ordered, That respondent R. C. Myrick, an individual trading under his own name or as Carey Surgical Appliance Co., Allied Surgical Appliance Co., or under any other name or trade designation, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a device designated as Hernia Guard, Vacuumatic Pad and Vacuum Pad, or any product or device of substantially similar construction or design, whether sold under the same names or any other name, do forthwith cease from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement:

(a) Which represents directly or by implication:

(1) That respondent's device operates upon a principle which is new, revolutionary or different from that employed by other trusses in common use.

(2) That respondent's device provides any benefits other than retaining a hernia, or affords benefits beyond those afforded by other trusses in common use.

(3) That respondent's device controls hernias unless expressly limited to reducible inguinal hernias.

(4) That said device is not equipped with a bulb in the sense in which bulbs are used in trusses.

(5) That the use of said device will help nature correct a hernia or have any beneficial effect on a hernia other than to prevent its protrusion.

(6) That said device will retain a hernia at all times and under all circumstances.

(7) That it will give greater relief than other trusses or is easier or more comfortable to wear than trusses in general use.

(8) That respondent's device consists of only a pad.

(9) That respondent's device has been endorsed by physicians as the most revolutionary or satisfactory hernia control, or misrepresenting in any manner the nature or extent of any endorsement of said device.

(b) Which uses the words "vacuum" or "vacumatic" or any other word or term of similar import in connection with said device, or represents in any other manner that said device operates on the vacuum principle.

(c) Which uses the expression "Certified Hernia Technologist" or any other words or expression of similar import, in reference to respondent, his agents, representatives or employees, or representing in any other manner that respondent, his agents, representatives or employees are medically trained or qualified to properly diagnose and treat hernias.

2. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1, hereof.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Dorothy M. Myrick.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent R. C. Myrick, an individual trading under his own name or as Carey Surgical Appliance Co., Allied Surgical Appliance Co., or under any other name or trade designation, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 24, 1962.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8534; Filed, Aug. 23, 1962; 8:52 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Parole Board Directive No. 1]

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Prescribing Regulations of the United States Board of Parole and Youth Correction Division of the Board

Under and by virtue of the authority vested in the United States Board of Parole and the Youth Correction Division thereof by Title 18 of the United States Code, particularly Chapter 311 and Part IV, and Subpart T of Part 0 of Chapter 1 of Title 28 of the Code of Federal Regulations, Part 2 of Chapter I of Title 28 of

the Code of Federal Regulations is hereby amended to read as follows:

Sec.

2.1 Definitions.

2.2 Granting of parole.

2.3 Eligibility for parole.

2.4 Same; indeterminate sentence.

2.5 Same; juvenile delinquents.

2.6 Same; committed youth offenders.

2.7 Youth offenders; observation and study.

2.8 Date service of sentence commences.

2.9 Parole of prisoner subject to local detainer.

2.10 Parole of prisoner subject to deportation.

2.11 Parole of prisoner in state or territorial institutions.

2.12 Application by prisoner.

2.13 Withheld and forfeited good time.

2.14 Reports considered.

2.15 Hearings at institution.

2.16 Same; procedure.

2.17 Consideration by the Board.

2.18 Prisoners with sentences of one year or less.

2.19 Release plans.

2.20 Release; discretionary power of Board.

2.21 Review of cases by progress report or other written information.

2.22 Review of cases at hearings in Washington, D.C.

2.23 Same; revocation proceedings.

2.24 Same; prisoners under jurisdiction of the Youth Correction Division.

2.25 Community supervision by United States Probation Officers.

2.26 Same; sponsorship of parolees.

2.27 Same; changes in parole plan.

2.28 Same; travel by parolees and mandatory releasees.

2.29 Same; supervision reports.

2.30 Duration of period of community supervision.

2.31 Extension of parole supervision because of unpaid fine.

2.32 Same; discharge from supervision.

2.33 Mandatory release in the absence of parole.

2.34 Same; youth offenders.

2.35 Revocation of parole or mandatory release.

2.36 Same; youth offenders.

2.37 Same; issuance of warrant.

2.38 Same; execution of warrant.

2.39 Same; unexpired term of imprisonment.

2.40 Revocation hearing by Board.

2.41 Same; legal counsel and witnesses at revocation hearings.

2.42 Discharge from supervision.

2.43 Same; youth offenders.

2.44 Setting aside of conviction.

2.45 Jurisdiction over District of Columbia prisoners.

2.46 Jurisdiction over District of Columbia juveniles.

2.47 Jurisdiction over District of Columbia committed youth offenders.

2.48 Confidentiality of parole records.

AUTHORITY: §§ 2.1 to 2.48 issued under 18 U.S.C. Ch. 311 and Part 14; 28 CFR Part O, Subpart T.

§ 2.1 Definitions.

(a) For the purposes of this part the term "Board" means the United States Board of Parole and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those terms are used in Chapter 311 or Part IV of Title 18 of the United States Code.

§ 2.2 Granting of parole.

The granting of parole rests in the discretion of the Board of Parole. The Board may parole a prisoner who is otherwise eligible if (a) he has observed substantially the rules of the institution in which he is confined; (b) there is reasonable probability that he will live and remain at liberty without violating the laws; and (c) in the opinion of the Board such release is not incompatible with the welfare of society. (18 U.S.C. 4203(a))

§ 2.3 Eligibility for parole.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, wherever confined and serving a definite term or terms of over one hundred and eighty days may, in accordance with the regulations prescribed in this part, be released on parole after serving one third of such term or terms or after fifteen years of a life sentence, or of a sentence of over forty-five years. (18 U.S.C. 4202)

§ 2.4 Same; indeterminate sentence.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, who has been sentenced to a maximum term of imprisonment in excess of one year may, if the court has designated a minimum term to be served, which term may be less than, but not more than, one third of the maximum sentence imposed, be released on parole after serving the minimum term. In cases in which a court imposes a maximum sentence of imprisonment upon a prisoner and specifies that the prisoner may become eligible for parole at such time as the Board may determine, the prisoner may be released on parole at any time in the discretion of the Board. (18 U.S.C. 4208)

§ 2.5 Same; juvenile delinquents.

A juvenile delinquent who has been committed and who, by his conduct, has given satisfactory evidence that he has reformed, may be released on parole at any time under such terms and conditions as the Board deems proper if it shall appear to the satisfaction of the Board that there is reasonable probability that the juvenile will remain at liberty without violating the law. (18 U.S.C. 5037)

§ 2.6 Same; committed youth offenders.

The Youth Correction Division may at any time, after reasonable notice to the Director of the Bureau of Prisons, release conditionally under supervision a committed youth offender. A youth offender committed under section 5010(b) of Title 18 of the United States Code to a maximum six-year term shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction. A youth offender committed under section 5010(c) of Title 18 of the United States Code to a maximum term which is more than six years shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court. (18 U.S.C. 5017)

§ 2.7 Youth offenders; observation and study.

The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Youth Correction Division shall, pursuant to the authority delegated to the Division by the Attorney General by § 0.127(c) of this chapter, report its findings to the court. (18 U.S.C. 5010(e))

§ 2.8 Date service of sentence commences.

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail, for service of the sentence: *Provided, however,* That any such person shall be allowed credit toward the service of his sentence for any days spent in custody prior to the imposition of sentence by the sentencing court for want of bail set for the offense under which sentence was imposed in any case in which the statute involved requires the imposition of a minimum mandatory sentence.

(b) Service of the sentence of any person who is committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served shall commence to run from the date on which he is received at such jail or other place of detention.

(c) Service of the sentence of a committed youth offender commences to run and continues to run uninterruptedly from the date of conviction.

§ 2.9 Parole of prisoner subject to local detainer.

A prisoner, after he becomes eligible for parole, may, in the discretion of the Board, be released to the custody of an authorized official who has lodged a detainer against the prisoner, and, in such case, the Board may expressly provide that the prisoner be released only to the detaining authorities.

§ 2.10 Parole of prisoner subject to deportation.

A prisoner, who is an alien and subject to deportation, may be released on parole on the express conditions that he be deported and that he remain outside of the jurisdiction of the United States. Any such prisoner, when his parole becomes effective, shall be delivered to a duly authorized immigration official for deportation. Alien prisoners who are deemed fit for release into community supervision by the Board, even though they may eventually be deported under detainers filed against them, may be paroled generally; provided, that immigration authorities shall be notified of all such general paroles, as well as other forms of release, and of the effective date of such releases as established by orders of the Board. In such cases, the Board may parole the prisoner subject either "to the immigration detainer only" or "to the immigration detainer or an approved plan should the detainer be lifted."

§ 2.11 Parole of prisoner in state or territorial institutions.

Any person who has been convicted of any offense against the United States, which is punishable by imprisonment but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Board on the same terms and conditions and by the same authority, and subject to recommendation for the violation of such parole as though he were confined in a Federal penitentiary, reformatory, or other correctional institution.

§ 2.12 Application by prisoner.

A prisoner, other than a juvenile delinquent or a committed youth offender, desiring to apply for a parole shall execute such form or forms as may be prescribed by the Board. Such forms shall be available at each Federal institution and shall be provided to prisoners eligible for parole. Juvenile delinquents and committed youth offenders shall not apply for parole. Instead, regular hearings, which may not be waived, shall be scheduled for each juvenile and committed youth offender by the Youth Correction Division. The Division may order parole as the result of any such hearing or may order a later review of the adjustment of the juvenile or youth concerned.

§ 2.13 Withheld and forfeited good time.

(a) Section 4202 of Title 18 of the United States Code permits Federal prisoners to be paroled if they have observed the rules of the institution in which they are confined and if they are otherwise eligible for parole. Any forfeiture of good time shall be deemed to indicate that the prisoner has violated the rules of the institution to a serious degree, and a parole will not be granted in any such case in which such a forfeiture remains effective against the prisoner concerned. Any withholding of good time shall be deemed to indicate that the prisoner has engaged in some less serious breach of the rules of the institution, and, except in unusual circumstances, a parole will not be granted in any such case unless and until such good time has been restored.

(b) However, neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from applying for and receiving a parole hearing.

§ 2.14 Reports considered.

Decisions as to whether a parole shall be granted or denied shall be determined on the basis of the application, if any, submitted by the prisoner, together with the classification study and all reports assembled by all the services which shall have been active in the development of the case. These reports may include the reports by the prosecuting officer and the sentencing judge, records from the Federal Bureau of Investigation, reports from the officials in each institution in which the applicant shall have been confined, all records of social agency contacts, and all correspondence and such other records as are necessary or appropriate for a complete presentation of the case. Before making a decision as to

whether a parole should be granted or denied in any particular case, the Board will consider all available relevant and pertinent information concerning the case. In furtherance of that policy, the Board encourages the submission by interested persons of pertinent and relevant information to the Board either before or after a Board order has been issued.

§ 2.15 Hearings at institution.

Regular hearings by a Member of the Board or an examiner designated by the Board shall be scheduled for each Federal institution. Prisoners serving sentences in excess of one year shall appear for such hearing in person. At the time of the hearing, or as soon after as is feasible, the Member or examiner shall prepare a report concerning the case which shall include a summary statement of relevant and pertinent facts involved and, if possible, shall include a recommendation, in keeping with the established policies of the Board, concerning the disposition of the case. Such report, together with the complete file of the prisoner, shall be submitted promptly to the Board for final action, which action shall ordinarily be taken in Washington, D.C.

§ 2.16 Same; procedure.

No prisoner, including juveniles and committed youth offenders, appearing at any hearing, other than a revocation hearing, shall be represented by counsel or by any other person. No interviews with the Board or any representative thereof shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Board procedures. The hearings described in this section and the preceding section shall not be open to the public, and the records of all such hearings shall be treated as being confidential and shall not be open to inspection by the prisoner concerned or any other unauthorized person.

§ 2.17 Consideration by the Board.

Reports and records submitted to the Board in accordance with § 2.15, shall be considered by the Board in the light of the entire record of the prisoner concerned and in consonance with established policies of the Board.

§ 2.18 Prisoners with sentences of one year or less.

Parole of a prisoner serving more than one hundred and eighty days but less than one year and one day shall be decided on the basis of the record of the prisoner concerned without providing him a personal interview or hearing. In such cases, the Board shall, upon receipt of the prisoner's application for parole and the classification study prepared by the institutional officials with respect to him, review the prisoner's entire record and base its decision upon that record.

§ 2.19 Release plans.

(a) In general, the following factors should be present before a prisoner is released after parole has been granted.

(1) There should be available to the parolee an adviser who is a responsible citizen living in or near the community

in which the parolee will reside. The probation officer may serve as such adviser in appropriate cases with approval of the Board;

(2) There should be satisfactory evidence that the prospective parolee will be legitimately employed following his release; and

(3) There should be satisfactory assurance that necessary after care will be available to a parolee who is ill or who has some other demonstrable problem which requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Board is satisfied that another place of residence will serve the public interest more effectively or will improve the probabilities of the applicant's readjustment. Any of the requirements described in paragraphs (a) and (b) of this section may be waived by the Board whenever circumstances warrant such waiver.

(c) Insofar as it is practicable, the details of each plan for release shall be verified by a field investigation by the United States Probation Officer of the district into which release will be made.

§ 2.20 Release; discretionary power of Board.

When an effective date has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for his supervision. The Board may, on its own motion, reconsider any case prior to release and may reopen and advance, postpone, or deny a parole which has been granted. The Board may add to or modify the conditions of parole at any time.

§ 2.21 Review of cases by progress report or other written information.

The Board shall, on the basis of special progress reports or otherwise, periodically review cases in which parole has previously been denied. It shall also periodically review cases of prisoners whose parole or mandatory release has been revoked. Any case may also be specially reviewed at other times upon the receipt of any new information of substantial significance bearing upon the possibility of parole.

§ 2.22 Review of cases at hearing in Washington, D.C.

Attorneys, relatives, and other interested persons desiring to appear in person for a hearing with Members of the Board may do so at the headquarters of the Board by requesting an appointment. Two Members of the Board shall constitute a quorum for any such hearing, and no hearing shall be held in the absence of a quorum. Except in emergencies, or in cases in which a prisoner's term is one year and one day or less, no such hearing on behalf of a prisoner shall be scheduled during the ninety-day period following the date of a previous hearing of this type. Similarly, such hearings shall not ordinarily be scheduled during the ninety-day period following any other official Board action concerning a prisoner. In addition, such hearings shall not ordinarily be scheduled prior to a Board decision

to grant or deny parole or to establish a parole eligibility date.

(b) An exception is made in any case in which a prisoner is serving a sentence of one year and one day or less. In such cases, the waiting period shall be thirty days.

§ 2.23 Same; revocation proceedings.

Whenever the Board has considered or is about to consider the possible revocation of parole or mandatory release of a person, an attorney, relative, or other interested person may, by appointment, appear before the Board on behalf of that person at any time without regard to a waiting period.

§ 2.24 Same; prisoners under jurisdiction of the Youth Correction Division.

Review hearings before Members of the Youth Correction Division may be scheduled at the headquarters of the Division on an individual basis.

§ 2.25 Community supervision by United States Probation Officers.

Pursuant to section 3655 of Title 18 of the United States Code, United States Probation Officers are required to provide such parole services as the Attorney General may request. The attorney General has delegated his authority in this regard to the Board (28 CFR 0.126 (b)). In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releases under the Board's jurisdiction.

§ 2.26 Same; sponsorship of parolees.

It is the policy of the Youth Correction Division to cooperate with groups desiring to serve as sponsors of parolees. The functions and responsibilities of sponsors are prescribed by rules and regulations adopted by the Division. In all cases, sponsors are subordinate to and cooperate with probation officers to whom the parolees are assigned.

§ 2.27 Same; changes in parole plan.

A parole plan approved by the Board with respect to a prisoner may be changed after release of the prisoner upon application by a probation officer and approval by the Board.

§ 2.28 Same; travel by parolees and mandatory releasees.

Except as otherwise provided in this section, it is the general rule of the Board that a parolee may travel outside his supervision district only with the prior approval of the Board. Travel outside a district without prior Board approval may be authorized by a probation officer subject to the following-described limitations.

(a) Board approval shall be required for vacation trips outside the district.

(b) Board approval shall be required for recurring travel outside the district, except in cases involving parolees who cross district boundaries to engage in or seek employment or for shopping or recreation, if such travel is not more than fifty miles from the district line.

(c) Board approval shall be required for travel outside the continental limits

of the United States, including travel or work aboard ship.

(d) Board approval shall be required in any case in which specific travel conditions have been imposed upon the parolee by the Board. Board approval shall not be required for temporary leave to enter another district for a period not to exceed twenty days to investigate reasonably certain employment possibilities, if such leave shall have been approved by the probation officer concerned.

§ 2.29 Same; supervision reports.

All parolees and mandatory releasees shall make such reports to the United States Probation Officers to whom they have been assigned as may be required by the Board. On the basis of summary reviews of the progress of parolees, submitted in accordance with Board procedures, the Board may modify the reporting requirement of parolees and releasees.

§ 2.30 Duration of period of community supervision.

Any prisoner, with the exception of those sentenced prior to June 29, 1932, who is paroled under the provisions of laws relating to parole, shall continue on parole until the expiration of the maximum term or terms specified in his sentence without deductions of allowance for good time. Prisoners sentenced prior to June 29, 1932, shall receive reductions in their maximum term or terms of imprisonment for such good time allowances as may be authorized by law.

§ 2.31 Extension of parole supervision because of unpaid fine.

In any case in which a parolee shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such parolee shall remain under parole supervision until payment of the fine is resolved according to law, even though the date that his sentence would otherwise have expired shall have already passed.

§ 2.32 Same; discharge from supervision.

The authority vested in the Attorney General by section 3569 of Title 18 of the United States Code to release parolees who are unable to pay their fines in whole or in part from supervision under certain conditions has been delegated to the Board (28 CFR 0.126(a)). Whenever a parolee with an unpaid committed fine has been under supervision at least thirty days beyond the end of his normal sentence and meets other requirements according to law, the Board may discharge him from supervision. Such a discharge does not excuse the individual from paying the fine imposed by the court, but does excuse him from parole supervision.

§ 2.33 Mandatory release in the absence of parole.

Whenever an applicant shall have been denied a parole and there shall have been no subsequent change in the Board's

order of denial such individual shall be released by operation of law. Such mandatory release shall occur at the end of the sentence imposed by the court less such good time and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. He shall be released as though on parole, with supervision until the expiration of the maximum term or terms for which he was sentenced less one hundred and eighty days. Insofar as possible release plans shall be completed before the release of any such prisoner and he shall be continued under supervision for any period in excess of one hundred and eighty days which remains of his term, under such conditions as may be prescribed by the Board.

§ 2.34 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

§ 2.35 Revocation of parole or mandatory release.

If a parolee or mandatory releasee violates any of the conditions under which he shall have been released, and satisfactory evidence thereof is presented to the Board, a warrant may be issued and the offender returned to an institution.

§ 2.36 Same; youth offenders.

In addition to issuance of a warrant on the basis of violation of any of the conditions of release, the Youth Correction Division may, when the Division is of the opinion that such youth offender would benefit by further treatment, direct his return to custody or issue a warrant for his apprehension and return to custody. Upon return to custody, such youth offender shall be given an opportunity to appear before the Division or a Member thereof. The Division may then, or at its own discretion, revoke its order of conditional release.

§ 2.37 Same; issuance of warrant.

A warrant for the apprehension of any such prisoner shall be issued only by the Board or a Member thereof, and only within the maximum term or terms for which the prisoner was sentenced.

§ 2.38 Same; execution of warrant.

Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant shall be delivered shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. Delivery of the warrant to a Federal officer shall be considered completed when the warrant is signed and placed in the mail at the Board headquarters before the expiration of the maximum term of sentence.

§ 2.39 Same; unexpired term of imprisonment.

Service of the unexpired term of imprisonment of any such prisoner shall begin to run on the date he is returned

to the custody of the Attorney General under a violator warrant, and the time the prisoner was on parole or mandatory release shall not diminish the time he was sentenced to serve.

§ 2.40 Revocation hearing by Board.

A prisoner who is retaken pursuant to a warrant issued by the Board or a Member thereof and returned to a Federal institution shall be afforded an opportunity to appear before the Board, a Member thereof, or an examiner designated by the Board. The Board may then or at any time within its discretion revoke and terminate the order of parole or mandatory release or modify the terms and conditions thereof. Whenever a parole or mandatory release is thus revoked, the prisoner may be required to serve all or any part of the remainder of the term for which he was sentenced, less such good time as he may earn following his recommitment.

§ 2.41 Same; legal counsel and witnesses at revocation hearings.

Each alleged parole or mandatory release violator shall be advised that he may be represented by counsel and that voluntary witnesses who have information relevant and material may testify at the revocation hearing authorized by § 2.40: *Provided*, That the alleged violator arranges for the appearance of counsel and witnesses in accordance with procedures prescribed by the Board.

§ 2.42 Discharge from supervision.

When the Board shall have modified the reporting requirement of a parolee and a period of at least one year shall have passed since the modification occurred, the Board may further order that the parolee be released from all supervision by the probation officer. In such cases, however, the parolee may be reinstated to supervision, or a warrant may be issued for him as a violator at any time prior to the expiration of the sentence or sentences imposed by the court.

§ 2.43 Same; youth offenders.

A committed youth offender may remain under supervision until the expiration of his sentence or he may be unconditionally discharged at any time after one year of continuous supervision or parole.

§ 2.44 Setting aside of conviction.

When an unconditional discharge has been granted to a youth offender prior to the expiration of his maximum term of sentence, his conviction shall be automatically set aside and the Division shall issue to the youth offender a certificate to that effect.

§ 2.45 Jurisdiction over District of Columbia prisoners.

Whenever a prisoner who was convicted in the District of Columbia is confined in, or as a parolee is returned to, a penal or correctional institution other than an institution of the District of Columbia, the Board shall exercise the same power and authority with respect to that prisoner as the Board of Parole for the District of Columbia would exer-

cise with respect to him if the prisoner had been confined in or returned to an institution of the District of Columbia.

§ 2.46 Jurisdiction over District of Columbia juveniles.

Authority to parole juveniles committed in the District of Columbia to the National Training School for Boys has been expressly vested in the Youth Correction Division by the Attorney General. (28 CFR 0.127(e))

§ 2.47 Jurisdiction over District of Columbia committed youth offenders.

The Youth Corrections Act (18 U.S.C. Ch. 402) applies to youth offenders convicted in the District of Columbia. Committed youth offenders convicted in the District of Columbia, wherever they may be undergoing treatment, are subject to all the provisions of the Youth Corrections Act and are therefore under the jurisdiction of the Youth Correction Division as provided in that Act.

§ 2.48 Confidentiality of parole records.

To the end that the objectives and procedures of professionalized parole may be advanced and, more specifically, so that the channels of information vital to sound parole actions may be kept open and that offenders released on parole may be protected against publicity deleterious to their adjustment, the following principles relating to the confidentiality of parole records shall be followed by the Board:

(a) Dates of sentence and commitment, parole eligibility dates, mandatory release dates, and dates of termination of sentence will be disclosed in individual cases upon proper inquiry by a party in interest.

(b) Whether an inmate is being considered for parole, has been granted or denied parole, and if granted parole, the effective date set by the Board may be disclosed by the Board in its discretion whenever the public interest is deemed to require it.

(c) Who, if anyone, has supported an application for parole may be revealed at the Board's discretion only in the most exceptional circumstances, with the express approval of such person(s), and after a decision to grant parole has been made.

(d) Other matters contained in parole records will be held strictly confidential and will not be disclosed to unauthorized persons.

The regulations prescribed by this order shall be effective upon the publication of this order in the FEDERAL REGISTER.

Dated: August 17, 1962.

RICHARD A. CHAPPELL,
Chairman, United States
Board of Parole.

GERALD E. MURCH,
Chairman, Youth Correction
Division, United States Board
of Parole.

[F.R. Doc. 62-8535; Filed, Aug 23, 1962;
8:52 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 365—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

Part 365, Chapter II, Title 31, of the Code of Federal Regulations (appearing also as Treasury Department Circular No. 1001, Revised), is hereby revised to read as follows:

- Sec.
365.1 Introductory.
365.2 Advice of nonreceipt or loss.
365.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.
365.4 Issuance of substitute check.
365.5 Receipt or recovery of original check.
365.6 Removal of stoppage of payment.

AUTHORITY: §§ 365.1 to 365.6 issued under R.S. 3646, as amended; 31 U.S.C. 528; and Treasury Department Order No. 177-16, dated December 18, 1957, 22 F.R. 10761.

SOURCE: §§ 365.1 to 365.6, contained in Department Circular 1001, Revised, August, 1962.

§ 365.1 Introductory.

This part, governing the issuance of substitutes of checks drawn on the Treasurer of the United States, other than those drawn by officers or employees of the Post Office Department, is prescribed pursuant to the provisions of section 3646 of the Revised Statutes of 1873, as amended (31 U.S.C. 528), and of Treasury Department Order No. 177-16, dated December 18, 1957, 22 F.R. 10761, and shall be effective immediately.

§ 365.2 Advice of nonreceipt or loss.

(a) In the event of the nonreceipt, loss, or destruction of a check drawn on the Treasurer of the United States, or the mutilation or defacement of such a check to an extent which renders it nonnegotiable, the owner, better to protect his interest, should immediately notify the drawer, describing the check, stating the purpose for which it was issued, giving, if possible, its date, number and amount, and requesting that payment be stopped. If the name or address of the drawer is not known the request for stoppage of payment should be sent to the Treasurer of the United States, stating the purpose for which the check was issued, the name of the department or agency authorizing the payment and if possible, the date, number and amount of the check. In cases involving mutilated or defaced checks, the owner should enclose the mutilated or defaced check with his communication to the drawer or Treasurer.

(b) Upon receipt of advice from an owner as to the nonreceipt, loss, destruction, mutilation, or defacement of a check, the drawer will, if appropriate,

transmit the owner's letter (together with the mutilated or defaced check in cases involving such checks) to the Treasurer of the United States, Washington 25, D.C., or other bank through which the check is payable, as the case may be, together with a request by the drawer for stoppage of payment which includes a certification as to the accuracy of the check description and that it was properly issued.

(c) If the check, which is the basis of the owner's claim, is determined to be outstanding, the Treasurer's Office will furnish the claimant an appropriate application form for obtaining a substitute check. However, the execution of an application will not be required in the event the original written statement submitted by the claimant substantially meets the requirements of the prescribed application form.

§ 365.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.

(a) An undertaking of indemnity on Form 2244 or Form 2244b in a penal sum equal to the amount of the check or, in an appropriate case, an application on Form 2244a, or an application substantially containing the same information as Form 2244a, must be executed by the claimant, as may be required by the Treasurer of the United States, and submitted to the Treasurer of the United States, Washington 25, D.C.

(b) Unless the Treasurer of the United States deems that an undertaking of indemnity is essential in the public interest, no undertaking of indemnity shall be required in the following classes of cases:

(1) If the Treasurer of the United States is satisfied that the loss, theft, destruction, mutilation, or defacement occurred without fault of the owner or holder and while the check was in the custody or control of the United States or of a person duly authorized as an agent of the United States, including the Postal Service when carrying mail for an officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail, or while it was in the course of shipment effected pursuant to and in accordance with regulations issued under the provisions of the Government Losses in Shipment Act, as amended;

(2) If substantially the entire check is presented and surrendered by the owner or holder and the Treasurer of the United States is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(3) If the Treasurer of the United States is satisfied that the original check is not negotiable and cannot be made the

basis of a valid claim against the United States;

(4) If the amount of the check is not more than \$200.00 and the check has not been endorsed by the payee;

(5) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, a municipal corporation or political subdivision of any of the foregoing, a corporation the entire capital of which is owned by the United States, a foreign government, or a Federal Reserve Bank.

(c) An application executed in a foreign country other than by an officer or an employee of the United States or a member of the Armed Forces of the United States, shall be sworn to before (1) a diplomatic or consular officer of the United States, or (2) an officer of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or (3) an official of such foreign country authorized by law to administer oaths generally, and such foreign official shall affix his official seal, if any, and a diplomatic or consular officer of the United States shall certify that the foreign official who administered the oath was duly authorized under the laws of such foreign country so to act.

§ 365.4 Issuance of substitute check.

Upon approval of the undertaking of indemnity, application or statement of claim by the Treasurer of the United States and upon certification of that fact to the Chief Disbursing Officer of the United States, the Chief Disbursing Officer or his designee shall issue to the claimant a substitute check showing such information as may be necessary to identify the original check.

§ 365.5 Receipt or recovery of original check.

(a) If the original check is received or recovered by the owner after he has requested the drawer or the Treasurer of the United States to stop payment on the original check but before a substitute check has been received, he should immediately advise the drawer or the Treasurer, as the case may be, and hold such check until receipt of instructions with respect to the negotiability of such check.

(b) If the original check is received or recovered by the owner after a substitute has been received by him, the original shall not be cashed, but shall be immediately forwarded to the Treasurer of the United States, Washington 25, D.C. Under no circumstances should both the original and substitute checks be cashed.

§ 365.6 Removal of stoppage of payment.

Requests for removal of stoppage of payment shall be addressed by the drawer to the Treasurer of the United States, or other bank through which the check is payable, as the case may be. No request for removal of stoppage of payment shall be accepted by the Treasurer of the United States or other bank through which the check is payable,

after issuance of a substitute check has been approved.

Dated: August 20, 1962.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-8523; Filed, Aug. 23, 1962;
8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 62-26]

PART 40—CADETS OF THE COAST GUARD

Miscellaneous Amendments

By virtue of the authority contained in Title 14, United States Code, sections 92, 182, and 633 (secs. 92, 182, 633, 63 Stat. 503, 508, 545), and delegated to me as Commandant, United States Coast Guard, by Treasury Department Orders 167, dated December 30, 1952 (18 F.R. 233), 167-3, dated May 6, 1953 (18 F.R. 2961, 2962), and 167-17, dated June 29, 1955 (20 F.R. 4976), the following amendments to Part 40 are prescribed which shall be in effect on and after July 8, 1963, and editorial amendments of a prior document are prescribed effective on publication of this document in the FEDERAL REGISTER:

1. Section 40.1 is amended to read as follows:

§ 40.1 Purpose.

Cadets are appointed in the Coast Guard for education and training to fit them to become commissioned officers in the Service. The Coast Guard Academy, located at New London, Connecticut, is maintained by the Government for the practical and theoretical training of young men to enable them to enter upon the duties of Ensign in the Coast Guard. Appointments are made solely through competitive examinations.

2. Section 40.2 is amended to read as follows:

The Coast Guard is interested in receiving applications for cadetship from all young men who feel that they meet the requirements outlined in the regulations in this part. Any such young man who is sincerely interested in a Coast Guard career is encouraged to make application.

3. Section 40.3(f) is amended to read as follows:

§ 40.3 General requirements for eligibility.

* * * * *

(f) No person who has been dismissed or compelled to resign from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Merchant Marine Academy, or the

United States Coast Guard Academy for improper conduct is eligible for appointment as a cadet in the Coast Guard. No person whose discharge from any branch of the military service was under conditions other than honorable is eligible for appointment as a cadet.

4. Section 40.4 is amended to read as follows:

§ 40.4 Specific requirements for eligibility.

(a) No waivers of educational or physical requirements are granted to applicants.

(b) A candidate must be a graduate of an accredited high school or preparatory school or be in actual attendance in his senior year at an accredited preparatory school or high school, and have already completed three (3) years' work at such a school. A candidate indicating prospective graduation from a preparatory school or high school must, as a condition of admission, satisfactorily complete his course not later than June 30. With the exception of courses completed through the United States Armed Forces Institute, for which credit has been granted by an accredited school, correspondence schools do not meet the requirements for "Accredited Schools." Certificates issued by correspondence schools will not be accepted. A total of 15 units obtained in high school, preparatory school, or college must be submitted.

REQUIRED

(1) The subjects listed below, comprising 6 units, are mandatory and are required for eligibility:

Mathematics (1) (algebra to quadratics)	1
Mathematics (2) (quadratics and beyond)	1
Mathematics (3) (plane geometry)	1
English 1, 2, and 3	3
Total	6

OPTIONAL

(2) Further evidence of adequate preparation, amounting to 9 units of optional subjects is required and may be offered from the following groups:

Mathematics.
Fourth Year English.
Social Studies (history, civics, problems of democracy, citizenship, American problems, sociology, Government).
Biological Science (biology, zoology, botany, physiology).
Physical Science (physics, chemistry, general science, geology, astronomy).
Foreign Language (not less than 2 units credit will be allowed in any language. This means the student must complete, successfully, a 2-year course in an accredited school).

(3) A total of not more than 2 units credit will be accepted from any or all of the following groups:

Agriculture.
Commercial Arithmetic.
Commercial History.
Commercial Law.
Driver Education.
Drama.
Fine Arts.
Industrial Problems.
Journalism.

Manual Training.
Mechanical Drawing.
Music.
Occupations.
Public Speaking.
Typing.

(4) While not required, it is strongly recommended that a candidate include Solid Geometry, Trigonometry, Physics, Chemistry, and a fourth year of English in his preparation.

(c) To satisfy the requirements of § 40.3(c), a candidate must submit both high school and college credits. Because of the great variation in academic standards and credit requirements among schools, the Commandant reserves the right to evaluate each academic record submitted on its individual merits. In general, college credits from an accredited institution will be given the same weight as high school credits for the same amount of work, and in no case will one unit of college work be considered equivalent to more than one unit of high school work.

5. Section 40.6 is amended to read as follows:

§ 40.6 Definition of units.

The definition of a unit and of the ground covered by the designated subjects is as follows: A unit represents a year's study in any subject in a secondary school. A 4-year secondary school curriculum should be regarded as representing 16 units of work. This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high school course as a basis, and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than 120 sixty-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit.

§ 40.7 [Cancellation]

6. Section 40.7 is cancelled in its entirety.

§ 40.8 [Redesignation; Amendment]

7. Section 40.8 *Physical requirements* is redesignated § 40.7 and paragraphs (a), (b), and (d) are amended by changing the reference from "§ 40.9" to "§ 40.8."

§ 40.9 [Redesignation; Amendment]

8. Section 40.9 *Physical standards and disqualifications* is redesignated § 40.8; Table 40.9(a1) is redesignated Table 40.8(a1) and paragraph (a) is amended by changing the reference from "Table 40.9(a1) and Table 40.9(a2)" to "Table 40.8(a1) and Table 40.8(a2)."

§ 40.10 [Redesignation; Amendment]

9. Section 40.10 *Physical aptitude test* is redesignated 40.9 and the first sentence is amended by changing the reference from "§§ 40.8 and 40.9" to "§§ 40.7 and 40.8."

10. Part 40 is amended by inserting a new § 40.10 reading as follows:

§ 40.10 Submission of application.

A candidate for appointment must submit to the Coast Guard an application requesting participation in the competition for appointment. As a condition for consideration of the application, the candidate must take the prescribed competitive examination and submit his scores to the Coast Guard. The application must be postmarked not later than the day of the competitive examination.

11. Section 40.11 is amended to read as follows:

§ 40.11 Annual competitive examination.

(a) *Content of examination.* The annual nationwide competitive examination shall consist of the following College Entrance Examination Board Tests administered by the College Entrance Examination Board:

(1) Scholastic Aptitude Test:

(i) Verbal Section.

(ii) Mathematical Section.

(2) Achievement Tests:

(i) Intermediate Mathematics or Advanced Mathematics (optional choice)¹.

(ii) English Composition.

(b) *Scheduled examination date.* The December administration of the College Entrance Examination Board Test will be used as the competitive examination for appointment as Cadet, U.S. Coast Guard. The Coast Guard will not accept the results of any other testing date except as provided in paragraph (c) of this section.

(c) *Change in examination date.* If in future years, the College Entrance Examination Board discontinues testing in December, and establishes a November testing date in lieu thereof, the November administration of the College Entrance Examination Board Test will be the competitive examination. Should the College Entrance Examination Board establish testing dates in both November and December, the December test will be used for the competitive examination.

(d) *Expenses.* All expenses connected with the candidate's appearance before examiners, and medical boards must be borne by the candidate. The College Entrance Examination Board Test fee must be borne by the candidate.

12. Section 40.12 is amended to read as follows:

§ 40.12 Annual competition for appointment.

(a) *Purpose.* The annual competition for appointment as Cadet, U.S. Coast Guard, is designed to select, on a fair competitive basis, those candidates who are best qualified and most likely to succeed as cadets and officers in the United States Coast Guard.

(b) *Scope and form.* (1) Successful completion of the Academy course and success as an officer depends on:

(i) An adequate educational background;

¹ Only those applicants completing their fourth year of mathematics and who have had or are taking trigonometry should consider taking the advanced mathematics test.

(ii) The possession of aptitudes related to both technical and cultural studies;

(iii) A sincere interest in the Coast Guard as a career, and

(iv) Relevant personality and physical characteristics.

(2) In addition to the essential virtues of honesty, dependability and perseverance, subdivision 1(iv) of this paragraph includes physical stamina, coordination, physical and mental courage, self-confidence, emotional stability, alertness, leadership and the ability to live and work harmoniously in close contact with others. The selection procedures will measure as fairly and accurately as possible the extent to which each candidate meets these requirements.

(c) *Selection instruments.* The instruments used in the selection are the competitive examination, the supplementary testing, the personal interview, and the transcripts, evaluations and questionnaires furnished by each candidate.

(d) *Submission and consideration of test scores.* A candidate's College Entrance Examination Board Test scores will be submitted to the Coast Guard by virtue of his having taken the required tests on the designated date and having indicated on the test application form that the Coast Guard Academy shall receive the results. Consideration of the test scores will only be granted to those candidates whose applications for participation in the competition for appointment are postmarked not later than the date of the competitive examination. The Coast Guard will advise each man of his standing on the competitive examination approximately seven weeks after the date of the examination. Those candidates who do not qualify on the examination will receive no further consideration for appointment.

(e) *Supplementary testing.* Those candidates who meet the minimum score requirements of the competitive examination are considered for appointment and shall be given a personal interview and be required to undergo supplementary testing. The supplementary testing will consist of one or more tests or questionnaires concerning the candidate's emotional stability, social adjustments, vocational interest, study habits, background, and personality characteristics. The supplementary testing will be held annually on the third Monday in February at places where examiners are available. If the day falls on Washington's Birthday, the examination will be held on the day immediately following the holiday. Examiners will be commissioned officers of the Coast Guard or Civil Service Examiners. All expenses connected with the candidate's appearance before examiners must be borne by the candidate.

(f) *Personal interview.* The interviewing officer before whom the candidate appears will report to the Commandant his appraisal of the candidate's fitness and adaptability for a career as an officer in the Coast Guard. Particular attention will be paid to neatness, cleanliness, physical appearance, bearing, manner of speech, manliness, and quali-

ties of leadership. The interviewing officer will report in detail any defects of character or behavior that may hinder or prevent the development of leadership, any marked inaptitude or aversion for military training, and any evidence of evasion, insincerity, or immaturity.

(g) *Cadet candidate evaluation board.*

(1) A specially designated board of Coast Guard officers will be charged with the duty of assigning an evaluation mark to each candidate who has satisfied the minimum score requirements of the competitive examination. The evaluation shall include all the factors known to influence success as a cadet and officer. The marks will be based on the relative merit of candidates as shown by tests, questionnaires, and the interview reports noted in paragraph (f) of this section. The Board's decision will be based on factual objective information such as the following:

(i) The candidate's attitude toward assigned tasks and his willingness to work as shown by the consistency and pattern of his previous school work.

(ii) The candidate's previous extracurricular and athletic interests and experience, with particular attention to evidence of leadership and teamwork.

(iii) The candidate's personal qualities as shown by his reference questionnaire, the interviewer's report, his high school principal's comments, etc.

(iv) The candidate's physical build, appearance, and his bearing, as shown by the photographs and the interviewer's report.

(v) The candidate's score on one or more tests of emotional stability, social adjustment, vocational interest, study habits, background, and personality characteristics as may be administered for the purpose.

(2) The Board will be charged with the duty of obtaining the best possible cadets and officers for the Coast Guard. It is, therefore, to a candidate's interest to cooperate fully in supplying the Board with all relevant information on the

factors listed in this paragraph. The Board's judgment will be final and subject to review only by order of the Commandant.

(h) *Minimum requirements.* To establish a list of eligible candidates and eliminate those who are markedly deficient in one or more phases of the examination, the Board will not consider candidates who fail to meet the minimum test requirements. Candidates whose standard scores on required tests and measures fall below the prescribed individual and/or combined test level, will be eliminated from further consideration.

(i) *Computation of final mark.* The final marks of each candidate will be computed by averaging the standard weighted scores provided through the test marks and the Cadet Candidate Evaluation Board rating. The weight to be assigned to each test and to the Cadet Candidate Evaluation Board rating for that year will be published before the competitive examination.

(j) *Offering of appointments.* A formal physical examination will be given approximately eight (8) weeks after the competitive examination to those candidates who are offered an appointment. Candidates will be offered appointments in the order of their final marks until the vacancies for the year have been filled. A candidate who fails to receive an appointment may compete again in subsequent years without prejudice, provided he meets the age and physical qualifications.

§§ 40.13, 40.14, 40.15 [Cancellation]

13. Sections 40.13 *Annual competitive examinations*, 40.14 *Schedule of examinations* and 40.15 *Sample questions, answer sheet, and key are cancelled.*

§ 40.16 [Redesignation; Amendment]

14. Section 40.16 is redesignated § 40.13 and is amended by changing the heading to read "Appointment at Cadet, U.S. Coast Guard."

§§ 40.17 to 40.24 [Redesignation]

15. Sections 40.17 to 40.24, inclusive are redesignated §§ 40.14 to 40.21, inclusive.

§ 40.25 [Redesignation; Amendment]

16. Section 40.25 is redesignated § 40.22 and is amended by revising paragraph (d) to read as follows:

(d) In lieu of the oath of allegiance to the United States, a substitute oath will be required in substance as follows:

I, _____
a citizen of _____
aged _____ years _____ months, having been appointed a cadet at the United States Coast Guard Academy, do solemnly swear to comply with all regulations for the good order and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Coast Guard Academy, to any alien government; and do agree that I shall be withdrawn from the United States Coast Guard Academy if deficient in conduct, health or studies.

17. The Coast Guard Federal Register document, identified as CGFR 61-37 and Federal Register Document 62-301, published in the FEDERAL REGISTER of January 11, 1962 (27 F.R. 293-302), is amended as follows:

a. In § 40.9, regarding physical standards disqualifications, in paragraph (h) (3) the misspelled word is corrected from "nurmurs" to "murmurs"; and in paragraph (k) (2) (ix) the last word is corrected from "glands" to "glans".

b. In § 40.15(a) (3), regarding sample questions and answer sheet for mathematics, the answer designated (e) is changed from " $p^2=5q$ " to " $p^2=4q$ ".

(Secs. 92, 182, 633, 63 Stat. 503, 508, 545; 14 U.S.C. 92, 182, 633)

Dated: August 20, 1962.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62-8524; Filed, Aug. 23, 1962;
8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and
Conservation Service

[7 CFR Part 1030]

[Docket No. AO-101-A26]

MILK IN CHICAGO, ILLINOIS, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Excep- tions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating handling of milk in the Chicago, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the proposed amendments to the tentative marketing agreement and to the order was conducted at Chicago, Illinois, on June 29, 1962, pursuant to notice thereof which was issued June 13, 1962 (27 F.R. 5772).

The material issues on the record of the hearing relate to:

1. Reduction of the shipping percentage requirements for pooling supply plants.
2. Emergency action with respect to Issue 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue 1. The supply plant pooling provisions of the order should not be changed at this time.

As now provided in the order, a supply plant may attain pool plant status during any single month by shipping at least 30 percent of the butterfat in, or 30 percent of the volume of, milk received from dairy farmers to pool plants bottling and distributing Class I or Class II milk in the marketing area. If a supply plant ships monthly at least 30 percent of its receipts from dairy farmers in July and December, 40 percent August through November, and 15 percent in January

and February, it is accorded pool plant status for the following months of March through June.

As proposed, the monthly shipping requirements for supply plants would be changed from 30 to 25 percent of receipts from dairy farmers; a supply plant that met the monthly 25 percent shipping requirement in July through October would be permitted to pool without further shipment the following November through October.

The proposed change, made by a cooperative that operates no plants, was supported by a number of producer groups that operate plants and by some proprietary handlers. As developed at the hearing by one proponent the proposal would use as a criterion for pooling a supply plant's offer to ship milk in lieu of actual shipments. Changing the supply plants standards for pooling was opposed by the major cooperative in the market and the principal proprietary handlers under the order.

The order was amended September 1, 1961, to provide the present performance standards for pooling supply plants. Prior to this amendment, handlers engaged in bottling and distributing operations in the Chicago area experienced considerable difficulty in obtaining sufficient milk from supply plants to meet their fluid milk requirements. Operators of the supply plants appeared reluctant to release any milk for fluid use in the market without receiving handling charges up to \$1.25 per hundredweight. These supply plants were averse to shipping their milk to the market and were using it in their manufacturing operations. The present performance requirements for supply plants recognize that some plant operators would ship no milk to the market unless required as a condition for pooling.

Shipping standards are the basis for determining which supply plants are an integral part of the market and constitute the source of regular and dependable supplies for the market. They are specifically intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

The present provision, that a supply plant ship milk to the market July through February in order to pool without shipping the following March through June, results in a plant being required to ship during 8 months approximately 21 percent of its total receipts in a 12-month period. The proposal to permit a supply plant to pool November through October by shipping 25 percent of its monthly receipts in July through October would have the effect of enabling a plant to qualify for pooling for a 16-month period by an aggregate shipment (in 4 months) equal to as little as 6 percent of its total receipts during the 16 months. This would enable supply plants to make no shipments for sustained periods and thereby

threaten the availability of an adequate supply of milk for the requirements of city plants. It cannot be concluded that the proposed provision is an appropriate alternative to that now provided in the order. Although one part of the proposal was to reduce the percentage shipping requirement for single months to 25 percent, no evidence was submitted relative to the effect this change would have on assuring adequate shipments to bottling plants. Hence, there was no evidence that the lower rate proposed would be more appropriate than the present 30 percent standard.

Reduction of the pool plant shipping percentages or replacing such standards with an "offer to ship" basis for qualifying would tend to the return of a condition prevalent in the market before the September 1961 amendment: i.e., the furnishing of the market's Class I and Class II requirements only at arbitrarily excessive handling charges from the supply plant operators who planned to retain milk in the country for manufacturing uses.

Proponents contend that increased production in the market and decreased Class I and Class II sales have resulted in unnecessary handling of milk to prevent loss of supply plants and producers from the pool. The present performance standards for supply plants to pool have been effective since September 1961. Between August 1961 and January 1962 there were 85 supply plants in the pool. Five of these have closed in recent months. In each case their closing was not because of inability to meet the pooling standards for supply plants but was the result of other business operating conditions. The current supply plant shipping requirements have not resulted in loss to the pool of plants or producers delivering to such plants.

A major purpose of the supply plant performance requirements is to insure that handlers engaged in bottling and distributing operations in the Chicago area will obtain sufficient milk from supply plants to meet their fluid milk requirements. Without such requirements, supply plants would tend to keep milk at their plants for manufacturing when it was to their advantage to do so. Moreover, any reduction in the pooling provisions would tend to attract additional manufacturing plant operations to the pool for the purpose of sharing the monetary benefits of the Class I and II utilizations of the market without bearing any responsibility for supplying the market's needs.

Reduction of the supply plant pooling standards as proposed was based on the contention that the present requirements resulted in forcing shipments to distributing plants. Such shipments which were for the purpose of qualifying a supply plant, were shipped back to it or to another plant for manufacturing purposes.

The quantity of milk and cream shipped back to the country is a relatively

small proportion of the total milk under the order. Whether there has been any increase or decrease in the frequency of or quantities of product involved in such shipments since the order change in September 1961 was not established on the record. There is no assurance that changing the pool plant shipping requirements as proposed would have any appreciable effect on the amount of shipments back to supply plants. Such shipments could be eliminated with certainty only if there were no performance standards at all.

It was claimed that the shipping requirements for pooling are too high at any time that there are shipments back to supply plants in the market. But no alternative basis that would accomplish the purpose of insuring the availability of milk and cream to Chicago order bottling and distributing plants for their fluid needs, if minimum shipping percentages were eliminated as a basis for pooling supply plants, was developed or substantiated at the hearing. The testimony for revising supply plant performance standards was directed at showing that supply plant handlers are at times inconvenienced by meeting the requirements for pooling. There is no assurance that the amendment proposed would eliminate such inconveniences. But it is clear that any such reduction would lessen the assurance of adequate shipments to bottling plants which is a central purpose of the pool plant standards.

A central point in proponents' contention for reducing supply plant standards is that producer deliveries have been increasing while Class I and II sales have been declining and that this has forced the shipment to distributing plants of milk not needed for Class I and Class II purposes. A question necessarily arises whether it is the order provisions which require these additional shipments or whether factors extraneous to the order are responsible. For several years a "super pool" has been effective in this market which results in the payment of prices higher than the minimums established by the order. These premium payments have no doubt encouraged the delivery of additional quantities of milk to pool plants regulated by this order and may also have had an influence in reducing Class I and II sales. The presence of these super pool payments makes it impossible to determine, therefore, whether any unnecessary shipments are the result of order provisions and thus should be dealt with through order amendment or whether such shipments are the consequence of conditions extraneous to the order operations and hence should be dealt with by means other than an order amendment. Until it can be shown that order provisions are responsible for unnecessary shipments, it would be inappropriate to amend the order to deal with the problems arising from any such shipments.

Since September 1, 1961, two or more supply plants have been permitted to qualify as a unit, enabling them to meet collectively the requirements for an in-

dividual plant. By this method, some plants have used all their milk in manufactured products and depended on shipments from other plants in the unit to qualify the unit. This pooling system enables marketing efficiency by keeping at a minimum the costs involved in moving milk between plants. Of the 82 supply plants pooled in February 1962, the most recent month for which such information is available, 55 were qualified through 12 units.

To a significant extent, unit pooling obviates the need for uneconomic movement of milk to the market. It does this without qualifying more milk for pooling than the aggregate performance standards warrant. Savings to the pool result from reducing uneconomic shipments of milk to distributing plants solely for the purpose of qualifying plants whose milk must be shipped back to supply plants for manufacture.

Issue 2. Emergency action should not be taken to suspend the supply plant qualifications for July. Such suspension was requested in conjunction with the request for a hearing on the proposed amendments.

In view of the findings on Issue 1, that no change in the supply plant pooling qualifications is warranted, the request for suspension action for July should be denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth herein. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Signed at Washington, D.C., on August 20, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-8512; Filed, Aug. 23, 1962;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Tennessee Corporation, Research and Development Department, Box 89, College Park, Georgia, proposing

the establishment of exemptions from the requirements of tolerances for residues of copper abietate and copper linoleate when applied before harvest, for general agricultural use.

The analytical method proposed in the petition for determining residues of copper from use of these compounds is that published in the Ninth Edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, sections 24.016-24.024.

Dated: August 17, 1962.

ROBERT S. ROE,
Director, Bureau of Biological
and Physical Sciences.

[F.R. Doc. 62-8521; Filed, Aug. 23, 1962;
8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 533) has been jointly filed by Merck and Company, Inc., Rahway, New Jersey, and Abbott Laboratories, North Chicago, Illinois, proposing the amendment of § 121.210 of the food additive regulations to provide for the addition of 0.01 percent of arsanilic acid or sodium arsanilate to amprolium-medicated chicken and turkey feeds.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-8517; Filed, Aug. 23, 1962;
8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 892) has been filed by Fine Organics, Inc., 205 Main Street, Lodi, New Jersey, proposing the issuance of a regulation to provide for the safe use of oleyl palmitamide as a mold-release and slip agent in polymeric resins which contact food.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-8518; Filed, Aug. 23, 1962;
8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348

(b) (5), notice is given that a petition (FAP 903) has been filed by Kellogg Company, Battle Creek, Michigan, proposing the amendment of §§ 121.1034 and 121.1035 of the food additive regulations to recognize BHT and BHA as the common or usual names of butylated hydroxytoluene and butylated hydroxyanisole, respectively.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-8519; Filed, Aug. 23, 1962;
8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5), notice is given that a petition (FAP 910) has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the addition of therapeutic levels of certain antibiotics to amprolium-medicated feed as follows:

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
Amprolium.....	113-227	Ethopabate (methyl-4-acetamido-2-ethoxy benzoate).	3.64	For chickens; not for laying hens.	Prevention of coccidiosis.
(a) Amprolium ¹ ...	113-227	Ethopabate..... + Penicillin..... + Streptomycin.....	3.64 15 75	As procaine penicillin; not for laying hens.	Treatment of chronic respiratory disease (airsac infection), blue comb (nonspecific infectious enteritis, mud fever); prevention of early mortality of chicks.
(b) Amprolium ¹ ...	113-227	Ethopabate..... + Chlortetracycline.	3.64 50-200	As chlortetracycline hydrochloride; not for laying hens; § 121.208 (a) (1) (i), (ii), (iii), or (vii).	§ 121.208(a) (1) (i), (ii), (iii), or (vii).
(c) Amprolium ¹ ...	113-227	Ethopabate..... + Bacitracin.....	3.64 50-100	As bacitracin, zinc bacitracin, bacitracin methylene disalicylate; not for laying hens.	Prevention of chronic respiratory disease (airsac infection), blue comb (nonspecific infectious enteritis, mud fever).
(d) Amprolium ¹ ...	113-227	Ethopabate..... + Bacitracin.....	3.64 100-200	do.....	Treatment of chronic respiratory disease (airsac infection), blue comb (nonspecific infectious enteritis, mud fever).

¹ Where amprolium-ethopabate is combined with the other permitted additive, the appropriate limitations and indications for use for each additive shall apply.

Dated: August 20, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-8520; Filed, Aug. 23, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R-209]

[18 CFR Part 141]

MUNICIPAL ELECTRIC UTILITIES

Proposed Annual Report Form

AUGUST 20, 1962.

This proceeding was initiated by notice of proposed rule making issued on March 8, 1962, and published in the FEDERAL REGISTER on March 15, 1962 (27 F.R. 2481). The notice proposed a new F.P.C. Form No. 1-M to be required of all municipal electric utilities having annual electric operating revenues of \$1,000,000 or more, and requested that all comments, data and suggestions be filed by interested parties on or before April 9, 1962. After receipt and study of the comments to that notice, the Commission has decided to add municipal electric utilities with annual electric operating revenues of \$250,000 to \$999,999 in the group required to file F.P.C. Form No. 1-M. Accordingly, in order to comply with the Administrative Procedure Act, it is necessary that an additional period for comment be afforded to all interested parties

whether or not they previously filed a response to the notice issued March 8, 1962. The Commission has also decided to amend the proposed report form to substitute a new schedule, entitled "Taxes, Tax Equivalents, Contributions and Services During the Year" in lieu of the schedule "Contributions and Services During the Year." The Annual Report form now proposed by the Commission in this amended notice of rule making is as shown in the attachment hereto.¹

Accordingly, take notice that it is proposed to amend Part 141, Statements and Reports (Schedules), of Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18 of the Code of Federal Regulations, by adding a new § 141.7 to the regulations under the Federal Power Act, in lieu of the amendment set forth in the original notice, to read as follows:

§ 141.7 Form 1-M, Annual Report for municipal electric utilities having annual electric revenues of \$250,000 or more.

(a) The form of Annual Report for municipal electric utilities having annual

¹ Report filed as part of original document.

electric revenues of \$250,000 or more, designated as F.P.C. Form No. 1-M in the Commission's regulations under the Federal Power Act is prescribed for the calendar year 1961 and fiscal years ending in 1961 and thereafter.

(b) Each "municipality" as defined in section 3 of the Federal Power Act, (each city, county, irrigation district, or other subdivision or agency of a State competent under laws thereof to carry on the business of developing, transmitting, utilizing or distributing power) which is engaged in generation, transmission, distribution or sale of electric energy, however produced, anywhere in the United States and its possessions, having annual electric operating revenues of \$250,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for each calendar year or fiscal year ending after January 1, 1961, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year ending during 1961 may be filed on or before _____) and original and two conformed copies all properly filled out and verified. One copy of the report should be retained by the respondent in its files. The conformed copies may be carbon copies. If the respondent publishes financial and operating statements of its utility department submit three copies of such statements with the report.

(c) This annual report contains the following condensed schedules:

Identification.
General Instructions.
Excerpts From the Law.
Verification.
General Information.
Balance Sheet.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Operation and Maintenance Expenses.
Purchased Power.
Utility Plant.
Accumulated Provisions for Depreciation of Utility Plant.
Long-Term Debt.
Taxes, Tax Equivalents, Contributions and Services During Year.
Generating Station Statistics.
Steam Generating Stations.
Hydroelectric Generating Stations.
Transmission Line Statistics.
Transmission Lines Added During the Year.
Electric Energy Account.

Any person whether or not he responded to the former notice may submit to the Federal Power Commission, Washington 25, D.C., not later than September 19, 1962, data, views, comments and suggestions in writing concerning the proposed new annual report form for municipal electric utilities. An original and nine conformed copies of any such submittal should be filed. The Commission will consider all such written submittals before acting on the proposed revised report form and regulations.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8503; Filed, Aug. 23, 1962;
8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development DEPUTY ASSISTANT ADMINISTRATOR, BUREAU FOR NEAR EAST AND SOUTH ASIA

Redelegation of Authority

Pursuant to the authority delegated to me, the Deputy Assistant Administrator, Bureau for Near East and South Asia, is hereby delegated to serve as full deputy and alter ego to the Assistant Administrator, Bureau for Near East and South Asia and is responsible under my general direction for all aspects of the activities of the Bureau for Near East and South Asia. In accordance with the foregoing and to the extent consistent with law, the Deputy Assistant Administrator, Bureau for Near East and South Asia is authorized to represent, and to exercise the authority of, the Assistant Administrator, Bureau for Near East and South Asia with respect to all functions now or hereafter conferred upon or held by the Assistant Administrator, Bureau for Near East and South Asia, including those conferred by Delegations of Authority Nos. 1, 3, 5, 12 and 17, dated September 30, 1961, November 4, 1961, December 29, 1961, February 17, 1962 and June 14, 1962, respectively, or by future delegations, or under any agency regulation, manual order, directive, notice or other issuance, whether heretofore or hereafter effective, and with respect to all functions or authorities now or hereafter delegated or assigned to or otherwise conferred upon or held by me as Assistant Administrator, Bureau for Near East and South Asia, by law or by regulation of any competent authority.

This redelegation of authority is effective immediately.

WILLIAM S. GAUD,
Assistant Administrator,
Bureau for Near East and South Asia.

AUGUST 6, 1962.

[F.R. Doc. 62-8507; Filed, Aug. 23, 1962;
8:46 a.m.]

DIRECTOR OF OFFICE OF NEAR EASTERN AFFAIRS ET AL.

Redelegation of Authority

Redelegation of authority to Director, Office of Near Eastern Affairs; Director, Office of Greece-Turkey-Iran-Cyprus-CENTO Affairs; Director, Office of India-Ceylon-Nepal Affairs; and Director, Office of Afghanistan and Pakistan Affairs.

Pursuant to the authority delegated to me by Delegation of Authority No. 5 dated December 29, 1961, I hereby redelegate the following functions to each of the directors listed above for the

countries or areas within his responsibility, authority to implement:

(a) All loan and guaranty agreements authorized under the Foreign Assistance Act of 1961;

(b) All loan and guaranty agreements which have been authorized by the Board of Directors of the corporate Development Loan Fund;

(c) All guaranty agreements which have been authorized pursuant to section 413(b) (4) of the Mutual Security Act of 1954, as amended;

(d) All amendments to any such agreements.

This redelegation of authority is effective immediately.

WILLIAM S. GAUD,
Assistant Administrator,
Bureau for Near East and South Asia.

AUGUST 3, 1962.

[F.R. Doc. 62-8508; Filed, Aug. 23, 1962;
8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55691]

SHELL OIL CO.

Notice of Qualification as a Citizen of the United States

AUGUST 20, 1962.

To collectors of customs and others concerned:

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), the Shell Oil Company of 50 West 50th Street, New York 20, New York, incorporated under the laws of the State of Delaware, did on July 9, 1962, file with the Commissioner of Customs in duplicate an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with the law and regulations, on August 20, 1962, issued to the Shell Oil Company a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-8522; Filed, Aug. 23, 1962;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Proposed Renewal of Withdrawal and Reservation of Lands

JUNE 21, 1962.

The Department of the Navy has filed an application, Nevada 013136, for renewal of the withdrawal of the lands described below. These lands were withdrawn May 7, 1958, for a period of 5 years, by Public Land Order 1632.

The applicant will continue to use the land as an air-to-air gunnery range. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 1551, Reno, Nevada.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 25 N., R. 25 E.,
Secs. 1 to 5, inclusive and 8 to 17, inclusive.
T. 25 N., R. 26 E.,
Secs. 1 to 18, inclusive.
T. 25 N., R. 27 E.,
Secs. 1 to 18, inclusive.
T. 26 N., R. 25 E.,
All.
T. 26 N., R. 26 E.,
All.
T. 26 N., R. 27 E.,
All.
T. 27 N., R. 25 E.,
All.
T. 27 N., R. 26 E.,
All.

T. 27 N., R. 27 E.,
All.
T. 28 N., R. 25 E.,
All.
T. 28 N., R. 26 E.,
All.
T. 28 N., R. 27 E.,
All.
T. 29 N., R. 25 E.,
All; unsurveyed.
T. 29 N., R. 26 E.,
All.
T. 29 N., R. 27 E.,
All.
T. 30 N., R. 25 E.,
All; unsurveyed.
T. 30 N., R. 26 E.,
All.
T. 30 N., R. 27 E.,
All.
T. 31 N., R. 25 E.,
All; unsurveyed.
T. 31 N., R. 26 E.,
All; unsurveyed.
T. 31 N., R. 27 E.,
All; unsurveyed.
T. 32 N., R. 25 E.,
All; unsurveyed.
T. 32 N., R. 26 E.,
All; unsurveyed.
T. 32 N., R. 27 E.,
All; unsurveyed.
T. 25 N., R. 28 E.,
Secs. 4 to 9, inclusive; and secs. 16 to 18,
inclusive.
T. 26 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, in-
clusive; and secs. 28 to 33, inclusive.
T. 27 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, in-
clusive; and secs. 28 to 33, inclusive.
T. 28 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, in-
clusive; and secs. 28 to 33, inclusive.
T. 29 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, in-
clusive; and secs. 28 to 33, inclusive.
T. 30 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, in-
clusive; and secs. 28 to 33, inclusive.
T. 31 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, in-
clusive; and secs. 28 to 33, inclusive;
unsurveyed.
T. 32 N., R. 28 E.,
Secs. 4 to 9, inclusive; secs. 16 to 21, in-
clusive; and secs. 28 to 33, inclusive.

The area as described contains ap-
proximately 600,000 acres.

R. M. ZUNDEL,
Acting Land Office Manager.

[F.R. Doc. 62-8505; Filed, Aug. 23, 1962;
8:46 a.m.]

Cowtown Livestock Sale, Pauls Valley, Okla.
Dublin Auction Sale, Dublin, Tex.
Karnes City Livestock Auction, Inc., Karnes
City, Tex.
Hopkins County Livestock Commission Co.,
Sulphur Springs, Tex.

Notice is hereby given, therefore, that
the said Chief, pursuant to authority del-
egated under the Packers and Stock-
yards Act, 1921, as amended (7 U.S.C. 181
et seq.), proposes to issue a rule designat-
ing the stockyards named above as
posted stockyards subject to the provi-
sions of the act, as provided in section
302 thereof.

Any person who wishes to submit writ-
ten data, views, or arguments concerning
the proposed rule may do so by filing
them with the Chief, Rates and Regis-
trations Branch, Packers and Stockyards
Division, Agricultural Marketing Service,
United States Department of Agriculture,
Washington 25, D.C., within 15 days
after publication hereof in the FEDERAL
REGISTER.

Done at Washington, D.C., this 21st
day of August 1962.

H. L. JONES,
Chief, Rates and Registrations
Branch, Packers and Stock-
yards Division, Agricultural
Marketing Service.

[F.R. Doc. 62-8537; Filed, Aug. 23, 1962;
8:52 a.m.]

SHASTA COUNTY LIVESTOCK AUCTION YARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is
hereby given, that the names of the live-
stock markets referred to herein, which
were posted on the respective dates
specified below as being subject to the
provisions of the Packers and Stockyards
Act, 1921, as amended (7 U.S.C. 181 et
seq.), have been changed as indicated
below.

CALIFORNIA

Original Name of Stockyard, Location, and Date of Posting	Current Name of Stockyard and Date of Change in Name
Shasta County Livestock Auction Yard, Anderson, Dec. 31, 1959.	Shasta Livestock Auction Yard, Inc., July 23, 1962.
Reed's Livestock Commission Co., Hayward, Apr. 19, 1961.	Reed's Livestock Co., Inc., Mar. 29, 1962.
Orland Livestock Commission Yard, Orland, Nov. 13, 1959.	Orland Livestock Commission Yard, Inc., July 23, 1962.

KANSAS

Waverly Sales Co., Waverly, Sept. 28, 1959-----	Waverly Livestock Sales Barn, Apr. 20, 1962.
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MINNESOTA

Thief River Sales Barn, Thief River Falls, Sept. 21, 1959.	Terminal Auction Market, July 10, 1962.
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OKLAHOMA

Pauls Valley Livestock Sale, Pauls Valley, Apr. 6, 1959.	Pauls Valley Livestock Auction, May 16, 1962.
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SOUTH DAKOTA

Burke Livestock Auction, Burke, May 19, 1959----	Burke Livestock Auction Co., Mar. 1, 1962.
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TEXAS

Bosque County Commission Co., Meridian, July 11, 1960.	Meridian Livestock Commission Co., Inc., Apr. 30, 1962.
Western Livestock Commission Co., San Angelo, Apr. 1, 1957.	West Texas Livestock Auction Co., May 7, 1962.

Done at Washington, D.C., this 21st day of August 1962.

H. L. JONES,
Chief, Rates and Registrations Branch,
Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-8538; Filed, Aug. 23, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service MEADOW BROOK STABLES ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registra-
tions Branch, Packers and Stockyards
Division, Agricultural Marketing Service,
United States Department of Agriculture,
has information that the livestock mar-
kets named below are stockyards as de-
fined in section 302 of the Packers and
Stockyards Act, 1921, as amended (7
U.S.C. 202), and should be made subject
to the provisions of the act.

Meadow Brook Stables, Novato, Calif.
Newman's Livestock Exchange, Inc., Newport,
N.Y.

Agricultural Research Service IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGH- TERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of
August 27, 1958 (7 U.S.C. 1904) and the
statement of policy thereunder in 9 CFR
181.1 the following table lists additional
establishments operated under Federal
inspection under the Meat Inspection
Act (21 U.S.C. 71 et seq.) which have been
officially reported as humanely slaugh-
tering and handling the species of live-
stock respectively designated for such
establishments in the table. This list
supplements the list previously published

under the Act (27 F.R. 8045) for July
and represents those establishments and
species which were reported too late to
be included in the earlier list or which
have come into compliance with respect
to species indicated since the completion
of the reports on which the earlier list
was based. The establishment number
given with the name of the establish-
ment is branded on each carcass of live-
stock inspected at that establishment.
The table should not be understood to
indicate that all species of livestock
slaughtered at a listed establishment are
slaughtered and handled by humane
methods unless all species are listed for
that establishment in the table. Nor
should the table be understood to indi-
cate that the affiliates of any listed es-
tablishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2B	(*)	(*)	(*)		(*)	
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do.	3N	(*)	(*)	(*)		(*)	
Do.	3S	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp.	12	(*)	(*)	(*)		(*)	
C. Finkbeiner, Inc.	18	(*)	(*)	(*)		(*)	
Wilson and Co., Inc.	20A	(*)	(*)	(*)		(*)	
Stark Wetzel and Co., Inc.	44	(*)	(*)	(*)		(*)	
Do.	44A	(*)	(*)	(*)		(*)	
Selkirk Realty Co.	65	(*)	(*)	(*)		(*)	
Somerville Packing Co.	66	(*)	(*)	(*)		(*)	
Kaplan, Inc.	102	(*)	(*)	(*)		(*)	
Swift and Co.	104	(*)	(*)	(*)		(*)	
Marhofer Packing Co., Inc.	121	(*)	(*)	(*)		(*)	
Superior Packing Co.	127	(*)	(*)	(*)		(*)	
R. B. Rice Sausage Co., Inc.	144	(*)	(*)	(*)		(*)	
Kansas City Dressed Beef Co.	156	(*)	(*)	(*)		(*)	
Missouri Farmers Ass'n Packing Division	159	(*)	(*)	(*)		(*)	
Do.	159A	(*)	(*)	(*)		(*)	
George A. Hormel & Co.	199A	(*)	(*)	(*)		(*)	
Emge Packing Co., Inc.	205	(*)	(*)	(*)		(*)	
Central Packing Co.	208	(*)	(*)	(*)		(*)	
Balentine Packing Co.	253	(*)	(*)	(*)		(*)	
Bookey Packing Co.	281	(*)	(*)	(*)		(*)	
Stadler Packing Co., Inc.	320	(*)	(*)	(*)		(*)	
Midland Empire Packing Co., Inc.	339	(*)	(*)	(*)		(*)	
Des Moines Packing Co.	340	(*)	(*)	(*)		(*)	
McCandless Pack Co., Inc.	355	(*)	(*)	(*)		(*)	
Westport Packing Corp.	369	(*)	(*)	(*)		(*)	
Emge Packing Co., Inc.	380	(*)	(*)	(*)		(*)	
Oldham Farm Sausage Co., Inc.	392	(*)	(*)	(*)		(*)	
E. W. Kneip Inc., of Iowa	422	(*)	(*)	(*)		(*)	
Monarch Meat Packing Co.	435	(*)	(*)	(*)		(*)	
Prime Packing Co., Inc.	443	(*)	(*)	(*)		(*)	
Pioneer Boneless Beef, Inc.	461	(*)	(*)	(*)		(*)	
Eldridge Packing Co.	478	(*)	(*)	(*)		(*)	
Memphis Butchers Association, Inc.	488	(*)	(*)	(*)		(*)	
Heim Brothers Packing Co.	499	(*)	(*)	(*)		(*)	
Frosty Morn Meats	507	(*)	(*)	(*)		(*)	
Greendell Packing Corp.	542	(*)	(*)	(*)		(*)	
Mid South Packers, Inc.	557	(*)	(*)	(*)		(*)	
Armour and Co.	579	(*)	(*)	(*)		(*)	
Stahl Meyer, Inc.	583	(*)	(*)	(*)		(*)	
Star Provision Co.	626	(*)	(*)	(*)		(*)	
Milwaukee Dressed Beef Co.	654	(*)	(*)	(*)		(*)	
Western Meat Packers, Inc.	662	(*)	(*)	(*)		(*)	
E. S. Read and Sons, Inc.	672	(*)	(*)	(*)		(*)	
Pierce Packing Co.	691	(*)	(*)	(*)		(*)	
Bryan Brothers Packing Co.	780	(*)	(*)	(*)		(*)	
Home Packing Co.	823	(*)	(*)	(*)		(*)	
John Morrell and Co.	836	(*)	(*)	(*)		(*)	
Nat Buring Packing Co. of Ark., Inc.	837B	(*)	(*)	(*)		(*)	
Alco Packing Co.	885	(*)	(*)	(*)		(*)	
Sambol Packing Co.	892	(*)	(*)	(*)		(*)	
Hoosier Veterinary Laboratories, Inc.	912	(*)	(*)	(*)		(*)	
Wilson and Co., Inc.	940	(*)	(*)	(*)		(*)	
Reitz Meat Products Co.	983	(*)	(*)	(*)		(*)	
The Harris Packing Co.	1175	(*)	(*)	(*)		(*)	
Stevens Meat Co., Inc.	1485	(*)	(*)	(*)		(*)	

59 establishments reported.

Done at Washington, D.C., this 20th day of August 1962.

C. H. PALS,
Director, Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 62-8539; Filed, Aug. 23, 1962; 8:53 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Arkansas a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Garland. Polk.
Montgomery.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can

qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of August 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-8513; Filed, Aug. 23, 1962;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-41]

NORTHERN NATURAL GAS CO.

Order To Show Cause

AUGUST 17, 1962.

The application filed by El Paso Natural Gas Company (El Paso) on March 9, 1962, for amendment of the outstanding authorization in Docket No. G-12135 to increase the daily delivery volumes of natural gas to Pioneer Gas Company

(Pioneer) for the account of Northern Natural Gas Company (Northern), presents an issue as to the jurisdiction of the Commission over the sale of gas by Northern to Pioneer which is involved in El Paso's service to Pioneer.

It appears that, pursuant to an exchange agreement between El Paso and Northern, El Paso receives gas at Plains, Texas, and delivers equivalent amounts to Northern or for Northern's account at various points north of Plains. Most of the gas delivered by Northern to El Paso at Plains under the subject agreement originates in the Permian Basin and the delivery by El Paso to Pioneer for Northern's account is made in Texas. Pioneer apparently receives the gas from El Paso for resale mainly for irrigation purposes in west Texas.

El Paso's transmission lines, from which the deliveries to Pioneer are made, are clearly interstate in character, carrying natural gas commingled from various sources and destined for interstate as well as local markets. The jurisdictional nature of El Paso's sales to Pioneer for its own account is unquestioned.

Northern has not filed any application for certificate authorization to make its sale (via El Paso's transportation) to Pioneer, contending, by letter dated July 12, 1962, in response to an inquiry from the Commission Secretary dated June 15, 1962: "In the case of Northern's sale of gas to Pioneer the specific gas sold and delivered to Pioneer is neither transported to or through a point outside the state of Texas nor is such gas resold to customers outside of Texas. It is wholly intrastate transportation and sale of gas." It would seem that the instant situation is very similar to that covered by Opinion No. 348, Lo Vaca Gathering Company, et al., issued October 23, 1961, in which the method of operation was held to establish the interstate nature of the transaction.

In view of the foregoing, it is necessary and appropriate in the administration of the Natural Gas Act that Northern Natural Gas Company show cause, if any there be, why it has not applied for a certificate of public convenience and necessity authorizing the sale of natural gas to Pioneer Gas Company for resale and why such failure to apply for and obtain such certificate prior to commencing such sale for resale should not be held to be a violation of the Natural Gas Act and the Commission's rules and regulations issued thereunder.

The Commission orders:

Northern Natural Gas Company shall show cause, if any there be, under oath and in writing, within thirty days from the date of issuance of this order, why the Commission should not find and determine:

(A) That Northern Natural Gas Company is in violation of the Natural Gas Act and the Commission's Regulations thereunder by failing to apply for and receive a certificate authorizing the sale of natural gas to Pioneer Gas Company for resale in the State of Texas; and

(B) That Northern is in violation of said provisions and regulations by failing to file with the Commission the contracts

or service agreements between Northern and Pioneer relating to the aforesaid sale of natural gas.

By the Commission. Acting Chairman O'Connor not participating.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8499; Filed, Aug. 23, 1962;
8:45 a.m.]

[Docket Nos. CP62-238, CP62-239]

UNITED FUEL GAS CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 17, 1962.

United Fuel Gas Company, Kentucky Gas Transmission Corporation, Docket No. CP62-238; Kentucky West Virginia Gas Company, Docket No. CP62-239.

Take notice that on April 11, 1962, as supplemented on June 11, 1962, United Fuel Gas Company (United) and Kentucky Gas Transmission Corporation (Kentucky Gas), both of whose addresses are 1700 MacCorkle Avenue SE., Charleston, West Virginia, filed in Docket No. CP62-238 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the mutual exchange of natural gas, and for Kentucky Gas to acquire, construct and operate facilities, and to undertake a sale of natural gas for resale, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Take further notice that on April 11, 1962, as supplemented on May 10, 1962, Kentucky West Virginia Gas Company (Kentucky West Virginia), Second National Bank Building, Ashland, Kentucky, filed in Docket No. CP62-239 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon a sale of natural gas and for a certificate of public convenience and necessity to undertake a sale of natural gas for resale, all as more fully set forth in said application, as supplemented, which is on file with the Commission and open to public inspection.

Applicants in Docket No. CP62-238 seek authorization:

(1) for Kentucky Gas to acquire from Louisville Gas and Electric Company (Louisville), on a net investment basis (as of December 31, 1960, such net book cost was \$1,183,711) a 107-mile portion of Louisville's 12-inch Eastern Kentucky Line and appurtenant transmission facilities in the eastern part of Kentucky;

(2) for Kentucky Gas to exchange with United natural gas received by Kentucky Gas from Kentucky West Virginia pursuant to the authorization sought in Docket No. CP62-239;

(3) for Kentucky Gas to construct and operate 0.5 mile of 10-inch transmission line in Menifee County, Kentucky, to provide an interconnection between its existing 20-inch Menifee-to-Foster transmission line and the Eastern Kentucky Line, at an estimated construction cost of \$22,820; and

(4) for Kentucky Gas to commence at an existing interconnection the wholesale sale for resale of natural gas to Elam Gas Utility Company (Elam) in Morgan County, Kentucky.

Applicants in Docket No. CP62-238 seek the foregoing authorization in connection with Kentucky Gas' proposed obtaining of 15,504 Mcf of natural gas (15,000 Mcf at 15.225 p.s.i.a.) per day from Kentucky West Virginia as applied for in Docket No. CP62-239. The application states that Louisville has agreed to assign its interest in an existing gas purchase agreement with Kentucky West Virginia in order that Kentucky Gas may obtain the needed gas.

Kentucky Gas states that its construction of the 0.5 mile of 10-inch transmission line in Menifee County, Kentucky, will better enable Kentucky Gas to serve Elam as well as new customers of Columbia Gas of Kentucky, Inc. (Columbia-Ky.), to be acquired from Louisville, who are located in Columbia-Ky.'s existing service area.

Kentucky Gas estimates that the purchase of 15,504 Mcf of gas per day from Kentucky West Virginia under the overall proposed project will lower the anticipated cost of service of Kentucky Gas by an aggregate amount of \$1,141,000 in the five-year period ending November 30, 1967, the termination date of its gas purchase agreement with Kentucky West Virginia.

The facilities proposed to be acquired and constructed by Kentucky Gas will be financed through the sale of securities to The Columbia Gas System, Inc.

Applicant in Docket No. CP62-239 seeks permission and approval to abandon service to Louisville and a certificate of public convenience and necessity to initiate service to Kentucky Gas. Applicant was authorized in Docket No. G-272 to sell 22,000 Mcf of gas per day to Louisville and, to the extent that it has sufficient gas available, to sell 65,000 Mcf of gas per day to Equitable Gas Company (Equitable). The application states that in recent years Applicant's gas supply has not been sufficient during the winter months for it to fulfill its obligation to both Louisville and Equitable. Therefore, the application states, Louisville has assigned its rights under the service agreement between it and Applicant to Kentucky Gas, and Applicant has entered into a new service agreement with Kentucky Gas as a substitute for the service agreement with Louisville. The new service agreement reduces Kentucky West Virginia's maximum daily obligation to 15,000 Mcf of gas which is a decrease of 7,000 Mcf of gas per day. This decrease will aid Applicant in meeting its total obligations, the application states.

Applicant in Docket No. CP62-239 does not propose any new facilities and states that the deliveries to Kentucky Gas would be made through existing delivery points.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 2, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 21, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8502; Filed, Aug. 23, 1962;
8:45 a.m.]

[Docket Nos. RI63-36—RI63-48]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates ¹

AUGUST 17, 1962.

Sun Oil Company, Docket No. RI63-36; The Superior Oil Company (Operator), et al., Docket No. RI63-37; Sunray DX Oil Company, Docket No. RI63-38; J. Kornfeld (Operator), et al., Docket No. RI63-39; N. Appleman Company, Docket No. RI63-40; Rip C. Underwood (Operator), et al., Docket No. RI63-41; The Shamrock Oil and Gas Corporation, Docket No. RI63-42; Glenn F. Thomas, et al., d/b/a Thomas E. Brewer (Operator), et al., Docket No. RI63-43; W. J. Coppinger (Operator), et al., Docket No. RI63-44; J. M. Huber Corporation, Docket No. RI63-45; Cabot Corporation (SW), Docket No. RI63-46; Champlin Oil & Refining Company (Operator), et al., Docket No. RI63-47; Gulf Oil Corporation, Docket No. RI63-48.

The above-named Producers have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 with the exception of the sales made by Sun Oil Company and The Superior Oil Company (Operator), et al., which are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI63-36	Sun Oil Co., 1608 Walnut St., Philadelphia 3, Pa.	87	5	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis County, Miss.).	\$19,200	7-25-62	1-9-62	2-3-63	\$ 20.0	\$ 21.0	G-13864
RI63-37	The Superior Oil Co., (Operator), et al., P.O. Box 1521, Houston 1, Tex.	79	5	United Gas Pipe Line Co. (Theall Field, Vermilion Parish, La.).	6,969	8-3-62	1-9-62	2-3-63	20.25	22.25	
RI63-38	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	167	3	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	216	7-18-62	1-8-18-62	1-18-63	16.0	17.2	
RI63-39	Jay Kornfeld (Operator), et al., Union National Bldg., Wichita 2, Kans.	13	1	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	10,525	2-1-62 7-19-62	1-8-19-62 1-8-19-62	1-19-63 1-19-63	11.0	12.5	
RI63-40	N. Appleman Co., 654 Madison Ave., New York 21, N.Y.	8	4	Cities Service Gas Co. (Hugoton Field, Finney and Kearny Counties, Kans.).	11,958	7-19-62	1-8-19-62	1-19-63	10.7195	14.5	
RI63-41	Rip C. Underwood (Operator), et al., First National Bank Bldg., Amarillo, Tex.	4	1	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	3,067	7-23-62	1-8-23-62	1-23-63	16.5	17.5	
RI63-42	The Shamrock Oil and Gas Corp., P.O. Box 631, Amarillo, Tex.	22	2	Northern Natural Gas Co. (Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10).	44,775	7-23-62	1-10-1-62	3-1-63	16.5	17.5	
	The Shamrock Oil and Gas Corp.	33	1	Northern Natural Gas Co. (Hansford County, Tex.) (R.R. District No. 10).	390	7-23-62	1-10-1-62	3-1-63	16.5	17.5	
RI63-43	Glenn F. Thomas, et al., d/b/a Thomas & Brewer (Operator), et al., P.O. Box 1177, Liberal, Kans.	1	9	Colorado Interstate Gas Co. (Mocane-Adams Ranch Field, Meade County, Kans.).	24,443	7-23-62	1-8-23-62	1-23-63	17.10	19.38	
RI63-44	W. J. Coppinger (Operator), et al., 717 Union National Bldg., Wichita 2, Kans.	6	17	Cities Service Gas Co. (Hugoton Field, Finney County, Kans.).	15,413	7-23-62	1-8-23-62	1-23-63	10.7195	14.5	
RI63-45	J. M. Huber Corp., 2401 East Second Ave., Denver 6, Colo.	14	5	Cities Service Gas Co. (Hugoton Field, Morton County, Kans.).	10,931	7-23-62	1-8-23-62	1-23-63	10.7195	14.5	
RI63-46	Cabot Corp. (SW), P.O. Box 1101 Pampa, Tex.	54	8	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	8,829	7-25-62	1-8-26-62	1-26-63	17.6708	18.8480	
RI63-47	Champlin Oil & Refining Co. (Operator), et al., P.O. Box 9365, Fort Worth 7, Tex.	66	8	do	4,300	7-25-62	1-9-1-62	2-1-63	16.41	17.504	
RI63-48	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	98	12	do	57,535	7-25-62	1-8-29-62	1-29-63	16.785	17.904	

¹ The stated effective date is the effective date proposed by respondent.

² Periodic rate increase.

³ Subject to a 0.5 cent reduction should compression be required.

⁴ Certificate issued May 29, 1962, at rate of 16.0 cents per Mcf.

⁵ Supersedes Jay Kornfeld (Operator), et al., FPC Gas Rate Schedule No. 1.

⁶ Rate adjusted for gas containing 800 Btu's per cu. ft. is 9.26315 cents per Mcf.

⁷ Renegotiated rate increase.

⁸ Rate adjusted for gas containing 800 Btu's per cu. ft. is 10.5263 cents per Mcf.

⁹ Increase in rate if adjusted for Btu content is 1.26315 cents per Mcf.

¹⁰ Based on contract rate-amount based on Btu content is \$442.

¹¹ Taken directly from filing.

¹² The stated effective date is the first day after expiration of the required statutory notice.

¹³ Redetermined rate increase.

¹⁴ Corrected for supercompressibility.

¹⁵ Subject to downward adjustment if gas is below 925 Btu's per Mcf.

¹⁶ Uncorrected for Supercompressibility.

¹⁷ Subject to downward Btu reduction if gas is below 1,000 Btu's per cu. ft.

¹⁸ Base rate of 17.0 cents per Mcf plus Btu adjustment for gas containing 1,140 Btu's per cu. ft.

¹⁹ Base rate of 15.0 cents per Mcf plus Btu adjustment for gas containing 1,140 Btu's per cu. ft.

²⁰ Subject to downward Btu reduction if below 925 Btu's per Mcf (estimated content: 895 Btu's per Mcf). Rate does not include Btu adjustment.

²¹ Includes Btu adjustment.

²² Subject to downward Btu reduction if below 925 Btu's per Mcf (estimated content: Over 1,000 Btu's per Mcf).

²³ Base rate of 16.0 cents per Mcf plus Btu adjustment.

²⁴ Base rate of 15.0 cents per Mcf plus Btu adjustment.

The proposed changes of W. J. Coppinger (Operator), et al.,² (Coppinger), N. Appleman Company (Appleman) and J. M. Huber Corporation,³ (hereinafter referred to as Respondents), purport to be in accordance with the assignment and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service Gas Company (Cities Service) and Pan American Petroleum Corporation (Pan American) (formerly Stanolind Oil and

Gas Company (Stanolind)), which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive 5-year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 p.s.i.a.). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 p.s.i.a. for the 5-year period commencing on June 23, 1961, with correction for supercompressibility. The instant filings are based on such court decision.

Cities Service on July 26, 1962, filed its protest and motion to reject the proposed rate filing of Coppinger, and on August 2 and 3, 1962, respectively, the same such protest and motion were filed with respect to the rate filings of Appleman and Huber. In support thereof, Cities Service states, inter alia, that (1)

the interest in all gas covered under the respective rate schedules can only be covered by Pan American's FPC Gas Rate Schedule No. 84 and that such supplements fall within the provisions of § 154.91(d) of the Commission's regulations under the Natural Gas Act;⁴ (2) there is no contractual basis for Respondents' 14.5 cents per Mcf rate increase filings since: (a) Respondents have exercised their contractual right to a single rate change during the period June 23, 1961, to June 22, 1966, by filing the 12 cents per Mcf rate increase contained in a previously filed supplement; (b) the case filed in the District Court of Shawnee County, Kansas, out of which the 14.5 cents per Mcf price filed by Respondents has not become final but now depends on appeal in the Supreme Court of

⁴ This ground for protest applies only to the rate filing made by Coppinger.

² Coppinger is recipient of farmed-out acreage from Stanolind (now Pan American) and sells his gas under a contract dated June 23, 1950, between Stanolind and Cities Service.

³ Appleman and Huber are signatory to their gas sales contracts with Cities Service which include, as one of the pricing provisions, that the price to be paid to the producer will be the same price as paid to Stanolind.

Kansas; and (c) the judgment of the court is erroneous and will be vacated by the Kansas Supreme Court; (3) Respondents have failed to comply with the requirements of the Commission's regulations in filing their respective supplements and have failed to submit a full statement in support of said proposed changes in rates, as required by the Commission's Regulations.

In the alternative, in the event the Commission accepts for filing Respondents' proposed changes, Cities Service requests that the effectiveness thereof be suspended for the statutory period of five months, and that such acceptance be conditioned upon and made subject to; (a) the judgment of the District Court of Shawnee County, Kansas, becoming final; (b) said supplements shall be of no force and effect in the event said judgment is reversed; (c) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the judgment of the District Court of Shawnee County, Kansas, and the ultimate disposition thereof by the Courts; and (d) such acceptance be made expressly subject to the ultimate disposition by the Commission or the courts of the question of whether Pan American is, under the Regulations under the Natural Gas Act, required to make such filing on behalf of all non-signatory co-owners, as such question shall be ultimately determined by this Commission or the courts as a result of the proceedings now pending in Docket No. RI61-532.

By this order we are suspending the effectiveness of the proposed increased rate contained in Respondents' aforementioned supplements. Such action, however, is without prejudice to the position of Cities Service with respect to the legality of such filings. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearings herein shall concern themselves with the legality of said filings. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of said filings, as requested by Cities Service.

The proposed increased rates of all the Producers listed in the caption of this order exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of the filings made by Coppinger, Appleman and Huber, and the lawfulness of Respondents' proposed

changes; and the lawfulness of the proposed changes of the other Producers listed in the caption of this order, and that the above-designated rate schedule (Jay Kornfeld (Operator), et al., superseding FPC Gas Rate Schedule No. 3) and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the legality of the filings made by Coppinger, Appleman and Huber, and the lawfulness of the proposed rates and charges contained in their above-designated supplements; and the lawfulness of the increased rates and charges contained in Kornfeld's superseding FPC Gas Rate Schedule No. 3 and supplement thereto, and the supplements filed by the other Producers listed in the caption of this order.

(B) Pending hearings and decisions thereon, the above-designated rate schedule and supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before October 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8501; Filed, Aug. 23, 1962;
8:45 a.m.]

[Docket No. G-16425 etc.]

**PAN AMERICAN PETROLEUM CORP.
Order Redesignating Proceedings,
Substituting Respondents and Re-
quiring Filing of Undertakings To
Assure Refund of Excess Charges**

AUGUST 17, 1962.

On October 2 and 19, 1961, Pan American Petroleum Corporation (Pan American) filed motions requesting (1) that it be substituted in lieu of Honolulu Oil Corporation (Honolulu) in Docket Nos. G-16425,¹ G-17059,² RI60-32,¹ and RI60-

¹ Proceeding consolidated with proceedings in AR61-1, et al.

² Proper name designation of proceeding includes "(Operator), et al."

409, and (2) that it be substituted for Honolulu with respect to assuring refunds of any excess charges, as of the effective date of the proposed rates, in Docket Nos. G-17059, RI60-32, and RI60-409.⁴

In support of its motion to substitute Pan American states that pursuant to an agreement of sale and purchase, it acquired all the rights and properties of Honolulu covered by the FPC gas rate schedules related to the subject proceedings,³ effective as of October 18, 1961.

On October 2, 1961, Pan American filed Certificates of Adoption of Rate Schedules (notices of succession) of the FPC gas rate schedules related to the subject proceedings. By letter dated October 18, 1961, the adoption of each of the subject rate schedules was accepted for filing and Honolulu's FPC Gas Rate Schedules Nos. 1, 3, 4, 5, and 6 were redesignated as Pan American's FPC Gas Rate Schedules Nos. 313, 315,² 316, 317, and 318, respectively.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Pan American be substituted for Honolulu in Docket Nos. G-16425, G-17059, RI60-32, and RI60-409, that such proceedings be redesignated accordingly, and that Pan American file agreements and undertakings in Docket Nos. G-17059, RI60-32, and RI60-409.

The Commission orders:

(A) Pan American Petroleum Corporation is hereby substituted for Honolulu Oil Corporation in Docket Nos. G-16425, G-17059, RI60-32, and RI60-409, and such proceedings are redesignated accordingly.

(B) Within 30 days of the issuance of this order, Pan American Petroleum Corporation shall execute, in the form set out below, acceptable agreements and undertakings, and shall tender for filing such agreements and undertakings in Docket Nos. G-17059, RI60-32, and RI60-409. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such agreements and undertakings shall be deemed to be satisfactory and to have been accepted for filing.

(C) Pan American Petroleum Corporation shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

³ Honolulu's FPC Gas Rate Schedules which relate to the subject proceedings are: Rate Schedules Nos. 1, 4, and 5 to RI60-32, Rate Schedule No. 3 to G-17059, Rate Schedule No. 5 to G-16425, and Rate Schedule No. 6 to RI60-409.

⁴ Proposed increased rate in Docket No. G-16425 not made effective.

**SUGGESTED AGREEMENT AND UNDERTAKING
BEFORE THE FEDERAL POWER COMMISSION**

(Name of respondent)

Docket No. -----

Agreement and Undertaking of -----
(Name of respondent)
to Comply With Refunding
and Reporting Provisions of Section 154.102
of the Commission's Regulations Under the
Natural Gas Act

----- hereby agrees
(Name of respondent)
and undertakes to comply with the refunding
and reporting provisions of section
154.102 of the Commission's Regulations under
the Natural Gas Act insofar as they are
applicable to the proceeding in Docket
No. ----- (and has caused this agreement
and undertaking to be executed and sealed
in its name by its officers, thereupon duly
authorized in accordance with the terms of
the resolution of its board of directors, a
certified copy of which is appended hereto¹)
this ----- day of -----, 196--

(Name of respondent)

By -----

Attest:

¹ If a corporation.

[F.R. Doc. 62-8500; Filed, Aug. 23, 1962;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONNECTICUT BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Connecticut Bank and Trust Company for approval of merger with The Wallingford Bank and Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Connecticut Bank and Trust Company, Hartford, Connecticut, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Wallingford Bank and Trust Company, Wallingford, Connecticut, under the charter and title of the former and, as an incident to the merger, a branch would be operated at the location of The Wallingford Bank and Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a)

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Boston.

within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 17th day of August 1962.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 62-8504; Filed, Aug. 23, 1962;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1521]

STEIN ROE & FARNHAM BALANCED FUND, INC.

Notice of Filing of Application

AUGUST 20, 1962.

Notice is hereby given that Stein Roe & Farnham Balanced Fund, Inc. ("Stein Roe"), 135 South La Salle Street, Chicago 3, Illinois, a registered open-end investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 10(d)(4) and 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Benco, Inc. ("Benco").

Shares of Stein Roe, a Maryland corporation, are offered to the public on a continuous basis at net asset value. As of June 30, 1962 the net assets of Stein Roe amounted to \$63,991,263.

Benco, an unregistered investment company, was incorporated on July 2, 1956 as Charm Tred Mills, Inc., an Illinois corporation. In August of 1959, it changed its name to Benco, Inc. Benco has 12 stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Stein Roe and Benco, substantially all of the cash and securities of Benco, with a total value of \$2,939,708 as of June 30, 1962, will be transferred to Stein Roe in exchange for shares of stock of Stein Roe. The shares acquired by Benco are to be distributed immediately to its shareholders who have agreed to acquire the shares of Stein Roe for investment and not for distribution to the public. The number of shares of Stein Roe to be delivered to Benco will be determined by dividing the net asset value per share of Stein Roe in effect at the closing time into the aggregate market value of the Benco assets to be exchanged (with certain adjustments as set forth below).

Since the exchange is expected to be tax free for Benco and its shareholders, Stein Roe's cost basis for tax purposes on the assets acquired from Benco will be the same as for Benco, rather than

² Voting for this action: Chairman Martin, and Governors Balderston, Mills, Robertson, Shepardson, and King. Absent and not voting: Governor Mitchell.

the price actually paid by Stein Roe for the assets. As of August 3, 1962, there was no unrealized appreciation on Benco's assets. However, if there would be unrealized appreciation on those assets before the closing date, their sale after acquisition would result in artificial capital gains and consequent tax liability thereon to the present shareholders of Stein Roe. An adjustment, which takes into account the possible tax consequences of the exchange, is to be made in the value of Benco's assets in accordance with the following formula:

From the value of Benco's assets will be deducted:

- (1) 12½ percent of the unrealized net capital gain on Benco's assets; plus
- (2) 12½ percent of the amount, if any, by which Benco's gain exceeds the amount produced by multiplying Benco's value by the percentage which Stein Roe's net unrealized capital gain is of Stein Roe's assets.

If the transaction had been closed on August 3, 1962, there would have been no adjustment as there was no unrealized appreciation on Benco's assets.

Applicant points out that the proposed acquisition is in the best interest of its shareholders as it will acquire Benco's assets at no expense.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Stein Roe and Benco. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Stein Roe and the officers, directors, and stockholders of Benco.

Section 10(d) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of which are officers, employees, or affiliated persons of the investment advisor, subject to exceptions contained in section 10(d) of the Act. Section 10(d) provides that a registered investment company may have a board of directors all the members of which, except one, are officers, employees, or affiliated persons of the investment advisor if certain conditions are met. Section 10(d)(4) of the Act provides that any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 percent. Stein Roe operates under section 10(d) as 70 percent of its board of directors are officers, employees or affiliated persons of its investment advisor. Under the terms of the agreement, however, there may be a premium over net asset value amounting to more than 2 percent on this exchange.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Stein Roe are to be issued to Benco at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application

to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 4, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 62-8509; Filed, Aug. 23, 1962;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 21, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37895: *Lumber articles from points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8248), for interested rail carriers. Rates on poles, piling, posts, crossarms, paving blocks, ties, mine ties and sections, railroad crossing, in carloads, from points in southwestern territory, to points in official (including Illinois) territory. Grounds for relief: Market competition.

Tariffs: Supplements 152, 75, and 131 to Southwestern Freight Bureau tariffs I.C.C. 4061, 4282, and 4262, respectively.

FSA No. 37896: *Ground barite to Buna and Call, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8247), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from specified points in Arkansas and Missouri, to Buna and Call, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4429.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8514; Filed, Aug. 23, 1962;
8:47 a.m.]

[Notice 19]

APPLICATIONS FOR LOAN GUARANTIES

AUGUST 21, 1962.

Notice is hereby given of the filing of the following application under Part V of the Interstate Commerce Act:

Finance Docket No. 22231 filed August 20, 1962, by Boston and Maine Railroad, 150 Causeway Street, Boston 14, Massachusetts, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding \$1,000,000. Applicant's representative: G. F. Glacy, Vice President, Accounting and Finance, Boston and Maine Railroad, 150 Causeway Street, Boston 14, Massachusetts. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8515; Filed, Aug. 23, 1962;
8:47 a.m.]

[Notice 683]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65112. By order of August 16, 1962. The Transfer Board approved the transfer to Robert C. Madsen, Kimballton, Iowa of Certificate No. MC 40844, issued January 20, 1954, to Magne Madsen, Kimballton, Iowa, authorizing the

transportation of: Livestock, feed, farm machinery, building materials, sand and gravel, grain, seeds, binder twine, coal, furniture, and agricultural implements, between, and from and to, specified points in Iowa, and Omaha, Nebr.

No. MC-FC 65116. By order of August 16, 1962. The Transfer Board approved the transfer to Wm. J. Rupp and Wm. L. Rupp, a partnership, doing business as Wm. J. Rupp & Son, Adrian, Minn., of Certificates Nos. MC 23251 and MC 23251 Sub 1, issued February 21, 1941 and October 24, 1940, respectively, to William Rupp, Adrian, Minn., authorizing the transportation of: Livestock, feed, and farm machinery, between, and from and to, Adrian, Minn., and points within 15 miles thereof, and Sioux Falls, S. Dak., and Sioux City, Iowa.

No. MC-FC 65136. By order of August 16, 1962. The Transfer Board approved the transfer to Belmont Van & Storage Company, a Corporation, Long Beach, Calif., of Certificate No. MC 32601, issued September 7, 1949, to Charles K. Lester and Bernice C. Lester, a partnership, doing business as Belmont Van & Storage Company, Long Beach, Calif., authorizing the transportation of: Phonograph records compound, and new and used household and office furniture and equipment, over irregular routes, between Los Angeles Harbor and Long Beach Harbor, Calif., on the one hand, and, on the other, points in the City and County of Los Angeles within 25 miles of the intersection of Vermont Avenue and Santa Monica Boulevard, Los Angeles, Calif. James H. Lyons, 411 West Fifth Street, Los Angeles, Calif., attorney at law.

No. MC-FC 65172. By order of August 16, 1962. The Transfer Board approved the transfer to L. W. Transfer, Inc., Altenburg, Mo., of Certificate No. MC 59127 issued March 8, 1956, to Floyd F. Schuessler, doing business as L. W. Transfer, Altenburg, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Altenburg, Mo., and St. Louis, Mo., serving the offroute points of Frohna, Shawneetown, New Wells, Pocahontas, Brazeau, Farrar, Crosstown, Menfro, Wittenberg and Neeleys Landing, Mo., without restriction; and the intermediate and offroute points of East St. Louis, Ill., and those within 10 miles of Altenburg, restricted to livestock and feed; between junction U.S. Highway 61 and unnumbered highway at or near Uniontown, Mo., and Cape Girardeau, Mo., serving junction U.S. Highway 61 and unnumbered highway for purpose of joinder only; restricted against service traffic moving between St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, Cape Girardeau; between junction U.S. Highway 61 and Missouri Highway 51 at or near Perryville, Mo., and St. Louis, Mo., as an alternate route for operating convenience only, serving junction U.S. Highway 61 and Missouri Highway 51, for purpose of joinder only. A. A. Marshall, 305 Buder Building, St. Louis 1, Missouri, representative for applicants.

NOTICES

No. MC-FC 65190. By order of August 16, 1962. The Transfer Board approved the transfer to Reising Brothers, Inc., Valley Stream, Long Island, N.Y., of portion of Certificate No. MC 93937, issued April 22, 1960, to Anderson Transportation Co., Inc., East Northport, N.Y., authorizing the transportation of: Agricultural lime, limestone, and limestone poultry and animal feed in containers, from points in Sussex County, N.J., to points in Kings, Queens, Nassau, and Suffolk Counties, N.Y., and empty containers for the above-specified commodities, from points in the destination territory specified immediately above to points in Sussex County, N.J. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 35, N.Y., attorney for transferor. Paul Kramer, 2 Hempstead Avenue, Lynbrook, N.Y., attorney for transferee.

No. MC-FC 65202. By order of August 16, 1962. The Transfer Board approved the transfer to Knapp's Express, Inc., Ridgefield, N.J., of a portion of the operating rights in Certificate No. MC 116151, issued November 7, 1956, to Brooklyn Terminal Stores, Inc., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Somerset and Morris Counties, N.J. Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J., attorney at law.

No. MC-FC 65203. By order of August 16, 1962. The Transfer Board approved the transfer to Anthony S. Petruzzello, doing business as Petruzzello Transport, Shelton, Conn., of a portion of Certificate No. MC 116151, issued November 7, 1956, to Brooklyn Terminal Stores, Inc., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, Essex, Passaic, and Union Counties, N.J. Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J., attorney at law.

SEAL

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8516; Filed, Aug. 23, 1962;
8:47 a.m.]

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